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SYNOPSIS of STATUTES of GENERAL APPLICATION

February 23 - April 5

1950

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PROVINCE OF ALBERTA

Synopsis of Statutes of General Application

ENACTED AT THE

THIRD SESSION

OF THE

ELEVENTH LEGISLATURE

February 23rd to April 5th
1950

Prepared by
KENNETH A. McKENZIE,
Acting Legislative Counsel and
Law Clerk

— and —

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SYNOPSIS OF STATUTES OF GENERAL APPLICATION

Enacted at the Third Session of the Eleventh Legislature

AGRICULTURAL SCHOOLS ACT AMENDMENT ACT

(Chapter 1)

(Bill 11)

This Act amends *The Agricultural Schools Act,* being chapter 79 of the Revised Statutes of Alberta, 1942.

Section 7 provides for a Board of Agricultural Education which shall include a representative from The United Farm Women of Alberta. As this organization has been reconstituted as The Farm Women's Union of Alberta, section 7 is accordingly amended to this effect.

This Act came into force on March 31, 1950.

AGRICULTURAL SOCIETIES ACT AMENDMENT ACT

(Chapter 2)

(Bill 59)

This Act amends *The Agricultural Societies Act,* being chapter 246 of the Revised Statutes of Alberta, 1942.

Section 11 is amended. The section presently requires the auditor of the society to be an official auditor. The effect of the amendment is that the auditor of the society may be an auditor approved by the Department.

Section 27(2) is amended. This subsection presently requires certain returns which are listed to be furnished by any society applying for a grant. The amendment deletes a reference to two of these returns. The effect of this is that the Department may pay the grant to the agricultural society on the basis of the submission only of those returns pertaining to the activity by reason of which the grant is claimed. The other returns are still required but

it is not necessary to withhold the grant until they are received.

Section 27(3) is amended. The present subsection requires the society which is late in filing its returns to satisfy the Minister that the delay was unavoidable or inadvertent in which case the Minister may pay the grant after deducting five dollars a week for each week of the delay. The effect of the amendment is that the society no longer has to account for its delay. However, when submitting its return it is required to attach to the returns an amount by way of penalty equivalent to five dollars per week for each week of the delay.

This Act is to come into force on July 1, 1950.

ALBERTA GENERAL INSURANCE COMPANY ACT AMENDMENT ACT

(Chapter 3)

(Bill 40)

This Act amends *The Alberta General Insurance Company Act*, being chapter 9 of the Statutes of Alberta, 1948.

Section 5(1) is amended. This subsection provides for the appointment of a Board consisting of the General Manager and not more than two other persons as directors of the Company. The number of other persons who may be appointed as directors is increased to four by the amendment and this provision is made retroactive to April 25th, 1949. On this date a third person was appointed as a director subject to the passage of this retroactive amendment.

ALBERTA MUNICIPAL ASSESSMENT COMMISSION ACT AMENDMENT ACT

(Chapter 4)

(Bill 12)

This Act amends *The Alberta Municipal Assessment Commission Act*, being chapter 156 of the Revised Statutes of Alberta, 1942.

Section 17 which is amended gives an appeal to the Commission from a mineral tax assessment. Such an assessment is now made under the provisions of *The Mineral Taxation Act, 1947*, which repealed and replaced the 1945 Act. The reference to the date of the Act is amended accordingly.

This Act came into force on March 31, 1950.

AMUSEMENTS ACT AMENDMENT ACT

(Chapter 5)

(Bill 38)

This Act amends *The Amusements Act*, being chapter 40 of the Revised Statutes of Alberta, 1942.

Schedule A to the Act is amended. The amendment is designed to bring amusement tax charges for boxing and wrestling exhibitions in line with amusement tax charges for other forms of entertainment. Under the Act as it now reads the amount charged is greater than that charged for other forms of entertainment.

This Act is to come into force on July 1, 1950.

APPROPRIATION ACT, 1950

(Chapter 6)

(Bill 10)

This Act provides for the payment out of the General Revenue Fund of $64,521.85 on account of expenditures for the fiscal year ending the 31st day of March, 1949, and for the payment out of the General Revenue Fund of $5,-604,022.36 on account of expenditures for the fiscal year ending the 31st day of March, 1950, and for the payment out of the General Revenue Fund of a sum not exceeding $81,641,791.00 on account of expenditures of the public service for the fiscal year ending the 31st day of March, 1951.

This Act came into force on March 31, 1950.

ASSESSMENT ACT AMENDMENT ACT

(Chapter 7)

(Bill 39)

This Act amends *The Assessment Act*, being chapter 157 of the Revised Statutes of Alberta, 1942.

Section 2 is amended by defining three additional terms. The term "motor vehicle" is defined as excluding unlicensed motorized vehicles used for industrial or commercial purposes. Motor vehicles are presently exempt from assessment and taxation. By reason of this amendment this exemption will not extend to unlicensed motorized vehicles used for industrial or commercial purposes which are excluded from the definition. The terms "roadway" and "superstructure" are also defined. The roadway and superstructure of the roadway of a railway is assessable and the purpose of the definitions is to define precisely what is meant to be covered by these two terms.

Section 5(1) (*ll*) is amended to provide that the exemption of minerals from assessment and taxation applies only to minerals contained in land which are in their natural state and which have not been severed or produced and to minerals which are being gathered in, transported or stored pending processing or treatment. This will make it clear that minerals which have been produced and which do not require further processing or treatment before use may be assessed as personal property or stock-in-trade, as the case may be.

Section 7 is amended. Subsection (1) is amended to make it applicable to every municipality rather than to just towns or villages. The effect of this is that lands, buildings and improvements will be assessed at their fair actual value in municipal districts and in improvement districts.

Subsection (2) of section 7 is struck out and is replaced by two new subsections. The new subsection (1*a*) provides that the secretary-treasurer of every municipality which is included in whole or in part within a school district or division shall furnish to the

secretary-treasurer of the school district or division a certificate setting out the total assessed value of all lands, buildings and improvements and personal property as shown on the assessment roll as at the thirty-first day of December of the preceding year. The new subsection (2) provides for the case where lands, buildings and improvements in a municipality are assessed on a different index of value from that used in other municipalities in the same school district or division. In such a case the total assessed value shown on the certificate furnished to the school district or division under subsection (1*a*) may be varied by order of the Director of Assessments for the purpose of equitably apportioning the requisition upon municipalities within the school district or division. This provision is necessary as new assessments have been made in some municipalities which are approximately thirty per cent higher than the old assessments in other municipalities within the same school division. As these assessments become the basis of school requisitions power to vary them is necessary in order to obtain equality. It is desired to have these two new subsections applicable to the current year so they are accordingly made retroactive to the thirty-first day of December, 1949.

Subsections (2*a*) and (3) of section 7 are struck out. When lands, buildings and imporvements are assessed at their fair actual value in every municipality as provided for in the amendment to subsection (1) these two subsections will no longer be necessary or applicable. The amendment to subsection (1) and the striking out of subsections (2*a*) and (3) are to be effective during the taxation year 1951 so these amendments come into force on the thirty-first day of December, 1950.

Subsection (5) of section 7 is amended by changing the reference from subsection (3) to subsection (1). Subsection (3) has been struck out and the provisions of subsection (1) as amended are now applicable. This amendment also comes into force on the thirty-first day of December, 1950.

Section 8 is amended. Subsection (3) is reworded to provide that where a personal property by-law is passed it is mandatory to use the personal property assessment for school purposes and it may be used in addition for municipal and hospital purposes or either of them. Subsection (6) is amended by changing the period from sixty days to thirty days. The effect of this is that personal property will be liable to assessment by any municipality when it has been situate within the municipality for thirty days.

A new subsection (9*a*) is added which provides that twenty-five per cent of the value of stock-in-trade as determined by the assessor under subsection (9) shall be used as the assessed value. Stock-in-trade assessments at full inventory value have worked severe hardship on many merchants particularly where the stock is large and there is a slow turnover. The proposed amendment gives relief from this hardship.

Section 18 is amended by the addition of a new subsection (2*a*). This subsection enables a newly organized village to adopt the assessment made in the previous year by the municipal district, improvement district or special area in which the village was previously contained. However, the assessment so adopted cannot be adopted again in any succeeding year. In the case of some newly formed villages it is difficult, if not impossible, for the new village to have an assessment made during the first year it is in operation.

Section 18(3) is amended to include a reference to the new subsection (2*a*). The amendments made to section 18 are retroactive to the thirty-first day of December, 1949, so that the amended provisions can be applied during the year 1950.

Section 37 (5) is amended. This subsection provides that where a member of the court of revision is ineligible to sit and the court consists of three members two of the members shall constitute a quorum. The amendment makes this provision applicable also in the case where a member is unable to at-

tend. At present in the case of a village with a three-man council all members must be present to constitute a court of revision. The effect of the amendment is that if one member is unable to attend the remaining members can proceed to hold the court of revision.

Except in the case of those sections where a different effective date has been fixed this Act came into force on April 5, 1950.

BOUNDARY SURVEYS ACT

(Chapter 8)

(Bill 85)

This is a new Act to be known as *"The Boundary Surveys Act"*. The Act enables the Government of Alberta to participate in any survey and demarcation of the boundary line between the Province and any adjoining province or the North-West Territories.

The Lieutenant Governor in Council is authorized to enter into any arrangement or agreement with the Government of Canada or of any adjoining province relating to the survey and demarcation of the boundary line. The Act authorizes a portion of the cost of the survey to be borne by the Province and also authorizes the appointment of a Boundary Commissioner to represent Alberta on any Boundary Commission.

Expenditures incurred under the Act are payable out of moneys appropriated by the Legislative Assembly and in default of any appropriation out of the General Revenue Fund.

The portion of the interprovincial boundary line between Alberta and British Columbia from the north boundary of township 97 to the north-west corner of the Province has not been surveyed and marked on the ground. This is also true of the major portion of the boundary line between Alberta and the North-West Territories. It is proposed that the boundaries should be surveyed and marked on the ground to provide control points for aerial photographic mapping and to define the

limits of provincial jurisdiction with respect to petroleum and natural gas development in the north-west part of the Province.

The Act is made retroactive to the thirtieth of November, 1949, on which date two orders in council were passed in connection with the survey of these boundaries.

CEMETERY ACT AMENDMENT ACT

(Chapter 9)

(Bill 29)

This Act amends *The Cemetery Act*, being chapter 256 of the Revised Statutes of Alberta, 1942.

Section 2 of the Act is amended. The proposed amendment would enable persons owning plots in existing cemeteries to incorporate a company for the purpose of taking over the cemetery without the necessity of first subscribing twenty-five per cent of the capital stock of the proposed company. At present they are unable to do so.

This Act is to come into force on July 1, 1950.

COMMUNAL PROPERTY ACT AMENDMENT ACT

(Chapter 10)

(Bill 74)

This Act amends *The Communal Property Act*, being chapter 16 of the Statutes of Alberta, 1947.

Section 6 is struck out and a new section is substituted in its stead. Subsection (1) of the new section provides that a colony which was not established in the Province on the first day of May, 1947, shall not acquire any land within the Province without the consent of the Lieutenant Governor in Council. Subsections (2) and (3) of the new section are the same as the existing subsections (1) and (2) of the present section.

This Act came into force on April 5, 1950.

COMPANIES ACT AMENDMENT ACT

(Chapter 11)

(Bill 31)

This Act amends *The Companies Act*, being chapter 240 of the Revised Statutes of Alberta, 1942.

Section 2 is amended by the addition of a definition of the term "dividend" which is defined as including a bonus or any distribution to shareholders as such.

Section 31(1) is amended for purposes of clarification. The expression "when the minimum subscription has been subscribed" is applicable only to clauses (*a*) and (*c*) of subsection (1) and is not applicable to clause (*b*). The purpose of the amendment is to make this clear.

Section 52 is amended by striking out a portion of subsection (2) and by the addition of three new subsections. Subsection (2) is amended by striking out the general provision that in the case of conversion from a private company to a public company the company shall be required to comply with all the provisions of the Act. This general provision is replaced by specific provisions setting out the items with which such a company is required to comply. Subsection (3) provides that when a private company is converted into a public company it may continue to carry on the business authorized by its memorandum of association after the issue of the certificate of conversion. However, subsection (4) provides that it cannot allot any of its shares or exercise any of its borrowing powers unless it complies with certain conditions which are listed. These conditions are that the company must file a prospectus naming a minimum subscription upon which the directors may proceed to allotment or, if the company doesn't issue any invitation to the public to subscribe for its shares it must file a statement in lieu of prospectus. In the case of a prospectus being filed the minimum subscription must be subscribed and paid to and received by the company. The prospectus or state-

ment in lieu of prospectus is to be accompanied by a statutory declaration by the directors in the Forms which are set out in the Schedule. Subsection (5) provides that when the company has complied with these conditions the Registrar may issue a certificate to the effect that it is entitled to allot its unissued shares and exercise its borrowing powers.

Subsection (6) of section 72 is struck out. The effect of this subsection is to place a restriction on Alberta companies which does not apply to companies incorporated either under the *Dominion Companies Act* or the *English Companies Act.* It works a hardship on mining, oil and other companies whose assets are of a wasting character by unnecessarily restricting the extent to which they may pay dividends. This subsection is replaced by four new sections relating to the payment of dividends which are similar to section 83 of the *Dominion Companies Act* and which are inserted in this Act immediately after section 82.

Section 73(4) is amended. Section 73 presently provides for the creation of shares of various classes with special rights or restrictions being attached to the various classes of shares. The purpose of the amendment is to enable the articles of the company to provide that any class of shares shall have the right to select a certain portion of the board of directors.

The reference to section 43 in the proviso to section 74(9) is struck out and a reference to section 42 is substituted.

Four new sections are added immediately after section 82 dealing with the payment of dividends. These sections are similar to the provisions of section 83 of the *Dominion Companies Act.*

Section 82*a* provides that no dividends shall be declared when the company is insolvent or which renders the company insolvent or which will impair the capital of the company. If the directors declare and pay a dividend contrary to this section they become per-

sonally liable to the company and its creditors for the debts of the company to the extent of the dividend so declared. Any director may evade this personal liability by protesting the payment at the board meeting and by reporting his protest to the Registrar of Companies.

The new section 82*b* provides for the issue of paid up shares in lieu of dividends or for the crediting of dividends or shares issued and not already paid for. The directors may only follow this procedure if authorized to do so by the company's articles or by a special resolution.

Section 82*c* provides for the payment of dividends by a company whose assets are of a wasting character such as mining and oil companies. Such companies may pay dividends so long as the value of the remaining assets of the company are sufficient to meet all liabilities of the company exclusive of its paid up capital.

The new section 82*d* enables the directors to deduct from dividends payable to any shareholder such sums of money as are due by the shareholder to the company.

Section 254(1) is amended. The amendment increases the fee payable for obtaining copies of registered documents from ten cents to twenty cents per folio of one hundred words. This fee has not been changed for thirty years and the new fee approximately equals the cost of having the copies prepared.

Form 3 in the Second Schedule is amended to correct an error. The reference to subsection (2) which presently appears should have been a reference to subsection (3).

Two new Forms 7*a* and 8*a* are added. These are the statutory declarations required from the directors in the case of conversion from a private company to a public company.

This Act is to come into force on July 1, 1950.

CO-OPERATIVE MARKETING ASSOCIATIONS GUARANTEE ACT AMENDMENT ACT

(Chapter 12)

(Bill 32)

This Act amends *The Co-operative Marketing Associations Guarantee Act,* being chapter 252 of the Revised Statutes of Alberta, 1942.

Section 2(1*a*) of the above Act provides that the Lieutenant Governor in Council may from time to time authorize the Provincial Treasurer to guarantee on behalf of the Province the due payment of any sum borrowed by any association incorporated under *The Co-operative Associations Act, 1946,* having as its principal object the supplying of electrical energy or power to its members for the purpose of acquiring, constructing, maintaining, operating and administering works necessary for the transmission and distribution of electrical energy, together with interest thereon and may authorize the Provincial Treasurer on behalf of the Province to execute any instrument for that purpose, the total amount of the liability of the Province as guarantor under this subsection not to exceed the sum of one million dollars. The effect of the amendment is to increase this maximum by one million dollars to two million dollars.

This Act is to come into force on July 1, 1950.

ALBERTA CORPORATION INCOME TAX ACT AMENDMENT ACT

(Chapter 13)

(Bill 18)

This Act amends *The Alberta Corporation Income Tax Act,* being chapter 3 of the Statutes of Alberta, 1947.

The Alberta Corporation Income Tax Act is not applicable to taxation years after the 1948 taxation year. However, the amendments to sections 47 and 48 relate to appeal procedure and appeals can still arise under the Act for some months to come. The amendments to section 4(*o*), 44 and 58 and the addition of the new section 44*a* are made for

purposes of clarification and to reduce interest payable on arrears, and to reduce penalties for failure to deliver returns.

This Act and the corresponding Dominion Act are being jointly administered.

These changes are based on corresponding changes in the Dominion Act and are designed to maintain uniformity between the Dominion and Provincial legislation on this subject in accordance with the provisions of the tax agreement.

The purpose of the amendments to sections 47 and 48 is to bring the Provincial appeal procedure into closer con formity with the Dominion appeal procedure so as to avoid administrative complications and unnecessary expense. The amendments make the appeal procedure under this Act identical with the appeal procedure presently in force under *The Alberta Corporation Income Tax Act, 1949.*

If a corporation files simultaneous appeals under the Provincial and the Dominion Acts it appears desirable that Dominion appeals should be heard first by the Exchequer Court so that the Provincial Treasurer may have the benefit of that decision before having to decide on the Provincial appeal.

The amendment to section 47(1) extends the time for the corporation to file its appeal from one month to two months.

Section 48 is amended. Subsection (1) is amended to extend the time for a corporation filing its appeal from the Provincial Treasurer from one month to three months. Subsections (2) and (3) are struck out and two new subsections are substituted which are the same as subsections (2) and (3) of section 41 of *The Alberta Corporation Income Tax Act, 1949.* Subsection (2) sets out in greater detail the documents required to be filed with the Clerk of the Court upon receipt of the notice of appeal. Subsection (3) sets out the procedure to be followed in fixing the time and place for the hearing of an

appeal. The amendment extends the time allowed for this procedure.

This Act came into force on April 5, 1950 except for the amendments to sections 47 and 48 which are deemed to have been in force since January 1, 1950.

ALBERTA CORPORATION INCOME TAX ACT, 1949, AMENDMENT ACT

(Chapter 14)

(Bill 19)

This Act amends *The Alberta Corporation Income Tax Act, 1949,* being chapter 6 of the Statutes of Alberta, 1949.

The provisions of the above Act are applicable to the 1949 and subsequent taxation years for the duration of the Dominion-Provincial tax agreement. These amendments are based on changes in the Dominion Act and are designed to maintain uniformity between the Provincial Act and the Dominion Act as contemplated and agreed upon under the taxation agreement.

Section 8 is amended by the addition of a new subsection (10).

Subsection (1) of section 10 is amended and subsections (4), (5) and (6) of section 10 are struck out and replaced by a new subsection (4).

Section 11 is struck out and a new section substituted in its stead.

A new subsection (3*a*) is added to section 16.

Section 19 is struck out and a new section substituted in its stead.

A new section 19*a* is added immediately after section 19.

Clause (*b*) of section 21 is amended.

A new clause (*d*) is added to subsection (1) of section 22.

Section 23 is repealed.

Clause (*c*) of section 24 is struck out and a new clause (*c*) substituted.

Section 26 is struck out and a new section 26 substituted in its stead.

Section 27 is struck out and replaced by a new section 27.

Section 28 is struck out and replaced by a new section 28.

Subsection (2) of section 34 is struck out and replaced by a new subsection (2).

Section 36 is struck out and replaced by a new section 36.

Section 37 is amended by striking out subsections (1), (3) and (6) and by substituting new subsections (1), (3) and (6) therefor.

Clauses (*a*) and (*b*) of subsection (1) of section 38 are struck out and replaced by a new clause (*a*).

Subsection (1) of section 43 is amended by striking out clause (*b*) and by substituting a new clause (*b*) and by amending clause (*g*).

A new subsection (10) is added to section 44.

Subsection (2) of section 45 is amended by striking out clause (*e*) and by substituting two new clauses (*e*) and (*f*).

Section 46(2) is amended by striking out clause (*c*) and by substituting a new clause (*c*).

Subsection (1) of section 48 is amended and two new subsections are added immediately after subsection (4).

Subsection (1) of section 53 is amended.

Section 54(8) is amended and subsection (9) is struck out and replaced by a new subsection (9).

A new subsection (4) is added to section 55.

Subsection (8) of section 63 is amended.

Clauses (*g*), (*i*), (*k*) and (*q*) of subsection (1) of section 73 are struck out and new clauses substituted in their stead. Two new clauses (*ag*) and (*ah*)

are added to subsection (1). Subsection (2) is struck out and replaced by a new subsection (2).

Subsection (8) of section 75 is struck out and replaced by a new subsection (8).

The amendments to the majority of these sections have been made applicable to the 1949 and subsequent taxation years. The amendments to the remaining sections came into force on April 5, 1950, with the exception of the amendment to section 36 which comes into force upon proclamation.

COUNTY ACT

(Chapter 15)

(Bill 50)

This is a new Act to be known as *"The County Act"*.

Section 3 provides that the number of counties to be formed under this Act shall not exceed four. The Lieutenant Governor in Council may proceed to form a county in accordance with the provisions of the Act only after receiving a resolution from a municipality or from a school division which comprises the major part of the proposed county. Four years after any county has been established a plebiscite of the electors must be conducted to determine whether they are in favour of the constitution of the county or whether they desire to revert to the previous form of government.

Section 4 enables the Lieutenant Governor in Council to establish in any area of the Province local government units to be known as counties. The order in council may incorporate into any county all or part of any existing municipality, school division or municipal hospital district and alter the boundaries of the areas included for the purpose of providing a common boundary for the county and any municipality, school division or municipal hospital district included in the county. The order in council will also fix the number of councillors to be elected to the county council and establish

electoral divisions within the county. The formation of the county is effective on the first day of January following publication of the order in council.

Section 5 provides that the Act does not apply to any town, village, consolidated or separate school district which is not included in a division. Such a district may be included by agreement in the same manner as it may be included in a division under *The School Act.*

Section 6 provides that upon publication of the order forming a county the Minister of Education in the case of school divisions, or of Municipal Affairs in the case of municipalities, or of Health in the case of municipal hospital districts, shall proceed to divide and apportion the assets and liabilities of any school division, municipality or municipal hospital district that is partly included in the county .

Section 7 provides that the governing body of each county shall be a county council. Upon the formation of the county the Minister fixes the dates for nominations, for elections and for the first meeting of the county council when elected, and does all other things necessary to provide for the conduct of the elections.

Section 8 provides that the provisions relating to elections in *The Municipal District Act* will apply in so far as they are applicable.

Section 9 provides that on the effective date of the establishment of the county each included municipality, school division and municipal hospital district ceases to exist and the county council acquires sole jurisdiction within the county. On this date all powers and duties formerly exercised by any municipality, school division or municipal hospital district which is included are vested in the county council. Also, all property and other assets and liabilities apportioned to the county under the provisions of section 6 are vested in the county.

Sections 10 and 11 provide for the election of a chairman of the county

council who is vested with all the rights and powers of the reeve of a municipal district, the chairman of a board of trustees of a school division and the chairman of a board of trustees of a municipal hospital district.

Section 12 vests in the county council all the powers and duties of the council or board of a municipality, school division or municipal hospital district.

Section 13 authorizes the council to appoint a secretary-treasurer who shall be vested with all the rights and powers of the secretary-treasurer of a municipal district, school division or municipal hospital district and to appoint such other officials as may be required to assist the secretary-treasurer and to provide for the efficient conduct of the business of the county council and any of its committees.

Section 14 provides for the appointment of three committees, a municipal committee, a school committee and a hospital committee. Not less than three members of the council are to be appointed to each of these committees.

Section 15 provides that the school committee and the hospital committee may each co-opt the services of not more than three electors who are willing to act as members of the committee.

Section 16 provides that members shall be appointed to the school committee and to the hospital committee to represent towns and villages which are deemed to be included in the county for school purposes or hospital purposes. The total number of members on either of these committees shall not exceed seven including at least three councillors, not more than three members representing towns and villages and not more than three co-opted members.

Section 17 provides that where a school division is included in a county and the division contains a school district which includes a town or village, the town or village is deemed to be included in the county for school purposes and is entitled to be represented on the school committee. In the case

of such a school district that has been constituted a separate subdivision of the school division pursuant to the provisions of *The School Act*, it may nominate an elector of the town or village to the school committee of the council. In the case of other school districts containing a town or village which have not been constituted a separate subdivision they are also entitled to representation on the school committee. However, the total number of members on the school committee representing towns and villages is restricted to three. If the number of towns and villages included in a county for school purposes exceeds three those in school districts that have not been constituted separate subdivisions are represented on the school committee in rotation from year to year in such a manner that the total number of such members never exceeds three.

Section 18 makes similar provision for representation on the hospital committee of towns and villages which are included in the county for hospital purposes.

Section 19 provides that a majority of the members of any committee shall be elected members of the county council. On any committee each member co-opted and each member representing a town or village has the same rights and powers and receives the same remuneration and expenses as other members of the committee.

Sections 20 to 22 set out the powers and duties of the municipal, school and hospital committees. Generally each of these committees exercises all the powers of the county council except the power to borrow money, pass a by-law or to do such other things as may be reserved to the county council either by by-law or by order of the Lieutenant Governor in Council. Each of the committees prepares its estimates and submits them to the county council which finally adopts the budget for the county. The portion of the budget approved for each committee is expended under the jurisdiction of that committee. The school and

hospital committees calculate the amount of the requisition to be made upon the council of any town or village which is deemed to be included in the county for school purposes or hospital purposes. The county council submits the requisition to the council of the town or village in the same manner as is provided in *The School Act* or *The Municipal Hospitals Act*, as the case may be, in so far as the said enactments are applicable.

The provisions of *The Municipal District Act*, in so far as they can be made applicable and are not inconsistent with this Act, apply to every county.

The Lieutenant Governor in Council is empowered to make such rules, regulations and orders as he deems necessary to properly carry out the purposes of this Act.

This Act is to come into force on July 1, 1950.

CREDIT UNION ACT AMENDMENT ACT

(Chapter 16)

(Bill 28)

This Act amends *The Credit Union Act*, being chapter 257 of the Revised Statutes of Alberta, 1942.

Section 57 is struck out and a new section 57 substituted. It has been found that the procedure to be followed under the present section is cumbersome and not as effective as it could be. Under the proposed new section the Supervisor of Credit Unions may, with the approval of the Minister, warn the credit union that it must reorganize its affairs or he may cancel its incorporation and appoint a liquidator. If the warning of the Supervisor does not have the desired effect its incorporation may be cancelled and a liquidator appointed. The credit union is prohibited from disbursing money without the consent of the Supervisor after it has received a notice to reorganize its affairs.

This Act is to come into force on July 1, 1950.

CROP PAYMENTS (IRRIGATED LAND SALES) ACT AMENDMENT ACT

(Chapter 17)

(Bill 69)

This Act amends *The Crop Payments (Irrigated Land Sales) Act*, being chapter 100 of the Revised Statutes of Alberta, 1942.

The purpose of the amendments is to extend the provisions of this Act to the St. Mary and Milk Rivers Development.

Section 2 is amended. The terms "crop share agreement", "purchaser" and "vendor", which are defined in this section, are amended to include references to the manager or the colonization manager of the St. Mary and Milk Rivers Development and to moneys payable on account of water right payments.

Sections 4 and 5 are similarly amended to include references to moneys payable on account of water right payments and to the manager or colonization manager of the St. Mary and Milk Rivers Development.

This Act came into force on April 5, 1950.

DAIRYMEN'S ACT, 1950

(Chapter 18)

(Bill 60)

This is a new Act to be known as *"The Dairymen's Act, 1950"* which repeals and replaces *The Dairymen's Act*, being chapter 258 of the Revised Statutes of Alberta, 1942.

Part I of the present Act has been deleted. This Part dealt with the incorporation of associations for the manufacture of butter and cheese or for the purpose of fattening poultry and prescribed rules for the management and operation of such associations. The method of incorporation and operation provided for in these sections is no longer used so this Part has accordingly not been included.

The remaining amendments have been made mainly for the purpose of clarification and simplification of the existing provisions. Some rearrangement and renumbering of sections has taken place to improve the sequence. A few new sections have been added similar to provisions which have proved advantageous in other provinces. The term "dairy manufacturing plant" has been defined as meaning a dairy, cheese factory, creamery, concentrated milk plant, ice cream plant, process cheese plant or skimming station. This avoids considerable repetition throughout the Act in provisions applicable to all these organizations.

The definition of the term "dairy" has been broadened to include a place that purchases milk for pasteurizing and processing for distribution regardless of the number of patrons. The effect of this change is that the Act will now apply to a few small dairies which were not previously covered by its provisions. As a result they would have to commence purchasing milk and cream on the basis of butterfat content as determined by the test prescribed in the Act.

No changes have been made in the sections relating to licensing. Creameries, cheese factories and concentrated milk plants are the only ones which are required to be licensed. The Act requires a permit to be obtained before any new dairy manufacturing plant is established. This will enable the Department to obtain information about such plants even though they are not required to be licensed.

Section 3 of the Act provides for the appointment of the officers, inspectors, graders, testers, weighers and so forth required for the administration of the Act.

Sections 4 to 6 deal with inspection of dairy manufacturing plants and testing or grading of milk or cream by inspectors.

Sections 7 to 11 deal with sanitation in dairy manufacturing plants and in the handling of milk, cream and dairy utensils.

Sections 12 to 24 deal with the sampling, testing and purchasing of milk and cream. All milk or cream is required to be purchased on the basis of butterfat content as determined by the tests prescribed in the Act. Records are required to be kept of tests made and dairy manufacturing plants are also required to keep records of milk or cream purchased and processed. The times and methods of paying for milk and cream and the statements to be supplied to the patrons are prescribed by the Act. The Minister is also authorized to require information and statistical returns from dairy manufacturing plants.

Sections 25 and 26 deal with permits to establish a dairy manufacturing plant.

Sections 27 to 36 deal with licensing. Creameries, cheese factories and concentrated milk plants are required to be licensed. Persons who grade or test milk or cream are also required to be licensed. The methods of applying for and issuing a license are set out in the Act. If any person fails to comply with the provisions of the Act or is found guilty of an offence against the Act the Minister may cancel or suspend his license. The Minister is empowered to appoint advisory boards to inquire into any matter relating to the granting, renewal, cancellation or suspension of a license. The Minister may act on the recommendation of the advisory board. The Minister may require any person who wishes to be licensed as a grader or tester of milk or cream to pass an examination and to demonstrate his ability to use the testing apparatus.

Section 37 prohibits discrimination by persons who purchase milk, cream or butterfat for the purpose of manufacturing or processing for distribution. Discrimination in price as between patrons after making due allowance for differences in grade or in costs of transportation is prohibited.

Section 38 authorizes the Minister to assess owners of dairy manufacturing plants with a reasonable proportion of the cost of the services of inspectors, graders, testers and weighers appointed

under section 3. Sections 39 to 45 are general provisions. The Minister, with the approval of the Lieutenant Governor in Council, is authorized to make regulations. The regulations may define grade descriptions and grade standards of dairy products. They may also prescribe requirements in connection with the location, construction, operation, maintenance and equipment of dairy manufacturing plants. Standards of qualifications for persons engaged in grading or testing may be fixed. The regulations may also prescribe price standards and the basis of calculation of such standards. All regulations are required to be published in *The Alberta Gazette*. Provision is made for the delegation of certain powers of the Minister to the Board of Public Utility Commissioners.

Section 41 prescribes penalties for obstructing or impeding an inspector. Section 42 is the general penalty section. Section 43 provides that a justice of the peace having a pecuniary interest in a dairy manufacturing plant shall not hear any complaint under the Act.

This Act is to come into force on July 1, 1950.

DENTAL ASSOCIATION ACT AMENDMENT ACT

(Chapter 19)

(Bill 68)

This Act amends *The Dental Association Act,* being chapter 291 of the Revised Statutes of Alberta, 1942.

The main purposes of these amendments are to bring out the distinction between registration and licensing and to confer disciplinary powers on the board subject to an appeal to the court. Registration is the procedure which occurs when a dentist first becomes enrolled as a member of the Alberta Dental Association. Licensing, on the other hand, refers to the yearly license to practise. The disciplinary powers which are added give the governing body of the association disciplinary powers over its own membership. At present the dentists are the only pro-

fessional body which do not have statutory power to discipline their own membership. The findings of the disciplinary committee are subject to an appeal to the courts. There are several other more or less minor amendments designed to improve the sequence of the Act, the wording of individual sections and to facilitate its administration.

Section 2 is amended. This section sets out the powers of the board and the effect of the amendment is to give the association power to borrow money.

Section 5 is amended in three different subsections. The effect of these amendments is to speed up the machinery of elections for the board of directors of the association.

Section 11 is amended to provide that the directors may exercise all the powers of the association. A new subsection (2) enables the Board by by-law to delegate the performance of duties of a dental nature to persons who are not members of the association. A new subsection (3) is also added to provide that rules, regulations and by-laws of the association may be proved in court by the production of a certified copy thereof.

Section 12 is amended to provide that the annual fees payable by members of the association shall not exceed the sum of one hundred dollars. The present annual fee is thirty-five dollars and of this twenty-five dollars is required to be paid to the Canadian Dental Association. The balance does not leave sufficient to the Alberta Dental Association to meet its ordinary expenses. The effect of the amendment is that the board of the association may fix any fee deemed necessary so long as it does not exceed the sum of one hundred dollars.

Section 14 is struck out and a new section is substituted. This section provides for representation of the Alberta Dental Association upon the Dominion Dental Council. The Dominion Dental Council is a national examining board the certificates of which are accepted without further qualifications by all provincial dental associations represented upon the Dominion Dental Council.

The section provides that if the Dominion Dental Council cancels the certifiicate of any dentist the certificate of registration of that dentist under this Act is automatically null and void.

Section 15 is amended to refer to a certificate of registration rather than a license to practise. This section refers to becoming enrolled as a member of the Alberta Dental Association for the first time as distinguished from the annual licensing.

Section 16 is struck out and a new section is substituted. This section provides for the form of the certificate of registration and the proof of the issue and contents of a certificate of registration.

Sections 17 to 25 inclusive are struck out and new sections are substituted in their stead. The new section 17 provides for the registration of persons as members of the association and the issue to them of certificates of registration. A person to be registered must hold the degree of Doctor of Dental Surgery from the University of Alberta or have equivalent qualifications. He must also produce proof of his reputation and good moral character and undertake to practise the profession in a proper manner in accordance with the provisions of this Act and the by-laws of the association. The applicant is also required to be a Canadian citizen or to have filed a declaration of intention of becoming a Canadian citizen and must pay the registration fee.

Section 18 which dealt with interim certificates is repealed as these certificates are no longer issued. The new section 18 enables the board to issue a certificate of registration to any person who has outstanding academic and professional training without the necessity of examination.

Section 19 outlines the duty of the registrar in keeping the register and prescribes what information the register shall contain.

The new section 20 deals with the registration of degrees and qualifications of persons who are entered on the register.

The new section 21 provides for the annual license fee and annual certificates. The annual license fee has to be paid by every member of the association actually engaged in practice. On receipt of the fee the annual certificate is issued which entitles the holder to practise for the calendar year commencing on the first of January and ending on the thirty-first of December. The new section 22 provides for an extra payment or penalty if the annual fee is not paid within a reasonable time.

The new section 23 provides for the keeping of an annual roll and prescribes its form and contents.

The new section 24 provides that all members of the association who hold subsisting annual certificates are entitled to practise dentistry and dental surgery and to charge reasonable fees for their services.

Section 25 provides that a certificate signed by the registrar under the seal of the association shall be received in evidence in any court simply by production of the certificate without proof of the signature or seal. The certificate is declared to be *prima facie* evidence of the truth of the statements it contains and as to whether or not any person named in the certificate is registered or licensed under the Act.

Section 29 is amended by deleting a reference to section 34 which is repealed.

Section 31 which is the penalty section is reworded for purposes of clarification. The amended section provides penalties for any person who contravenes the provisions of sections 28 or 30.

Section 34 is struck out. This section dealt with discipline and it is now being replaced by several sections appearing later in the Act which set out the disciplinary procedure in much greater detail.

Section 36 has been struck out and a new section substituted which has been reworded for purposes of clarification. It prohibits a dentist from employ-

ing persons to assist him who are not properly qualified to perform either the surgical or mechanical dental operations required on any patient.

Sections 38, 39 and 40 are struck out and replaced by two new sections. The effect of the repeal of section 38 is that all fines under this Act will henceforth be paid to the Province rather than one-half being paid to the Dental Association. The new section 38 is similar to the former section 39. However, the limitation provision provides that prosecutions may be commenced within twelve months rather than six months as formerly. The new section 39 is similar to the present section 40. Subsection (2) of this section dealing with proof of an offence in a prosecution under this Act is similar to provisions in other professional Acts.

Section 42 is struck out and a new section is substituted. This section provides that an action for damages on account of negligence or malpractice must be commenced within one year from the date when the professional services terminated. The limitation period applicable at present under the terms of *The Limitation of Actions Act* is two years.

Sections 45 to 57 are added at the end of the Act.

The new provisions relating to discipline of members of the association by the association itself are found in sections 45 to 57. These provisions are similar to disciplinary provisions contained in other professional Acts in this Province and in the Professional Acts relating to dentists in other provinces.

These sections provide for a discipline committee consisting of members of the association. The discipline committee is required to inquire into any complaint against a member of the association which is referred to the committee by the board. At least ten days' notice is required to be given to any member of the association whose conduct is being investigated. The member whose conduct is being enquired into may be represented by counsel. The evidence of witnesses is required

to be taken on oath and there is full right of cross-examination. The discipline committee, after the hearing, then makes a written report giving a summary of the evidence heard and the findings of the committee. The board of the Dental Association may then act upon the report of the committee. The board may order the erasure of any member's name from the register and may suspend him from practice. A member of the dental association disciplined in this fashion may appeal to a judge of the Supreme Court. The judge, after hearing the appeal, may confirm the order of the board, cancel, reduce or lengthen the suspension of the dentist from practice or make such other order as appears just.

The Schedule is struck out and a new Schedule is substituted containing four forms of various documents that are required pursuant to the provisions of the Act.

This Act came into force on May 1, 1950.

DRAINAGE DISTRICTS ACT AMENDMENT ACT

(Chapter 20)

(Bill 79)

This Act amends *The Drainage Districts Act*, being chapter 99 of the Revised Statutes of Alberta, 1942.

A new section 129*a* is added immediately after section 129. This new section provides that for purposes of taxation the assessed value of each parcel of land in the drainage district shall be reduced by an amount equal to the capitalized value of the annual drainage rate at five per cent for the period over which the capital cost of the drainage project is repayable. The drainage project increases the value of land. The effect of the amendment is that the increased assessed value of each parcel due to drainage is offset and reduced by the capitalized cost of the drainage to that parcel for the period over which this cost is repayable.

The Act is deemed to have been in force since January 1, 1950 .

DRUGLESS PRACTITIONERS ACT, 1950

(Chapter 21)

(Bill 65)

This is a new Act to be known as *"The Drugless Practitioners Act, 1950"* which repeals and replaces *The Drugless Practitioners Act,* being chapter 84 of the Statutes of Alberta, 1948.

The new Act provides for a Board of Examiners to be appointed by the Lieutenant Governor in Council. Under the former Act the examining committee was appointed by the Board of Drugless Practitioners, elected by the Association, it being the duty of this Board to administer the Act under the direction of the Association and to act in an advisory capacity to the Association.

Compulsory membership in the Association is to continue but licenses to practise are to be issued by the Department of the Provincial Secretary instead of by the Association and are to be issued when the applicant has been registered as a member of the Association after receipt by the Association of a certificate of qualification from the Board of Examiners.

Sections 3 to 8 deal with the Naturopathic Association of Alberta which is continued as a body corporate and politic under the same name as in the former Act. Membership in the Association is compulsory and the internal management remains much as it was under the former Act. A fee not exceeding fifty dollars shall be paid by each applicant for registration or interim registration and the total of the levies, contributions and membership fees required in any one year shall not exceed the sum of fifty dollars for each member.

The holder of a certificate of approval for registration issued by the Board shall, within fourteen days of the filing of the certificate with the registrar of the Association, be granted a certificate of registration by the Association. Provision is also made for the issue of an interim certificate of registration pending examination of the applicant by the Board.

The Lieutenant Governor in Council may appoint a Board of Examiners not exceeding ten in number, one of whom shall be chairman, and the Board shall be responsible for fixing the qualifications of all applicants applying for registration. The duties of the Board shall be to set the examinations or tests for persons applying for certificates of approval for registration. The Board shall determine the course of study to be followed and the subjects of examination to be taken by applicants for admission to practise. The Board may exempt from examination any person who is a graduate of an approved school or who is otherwise qualified by reason of his training or experience, and who possesses the qualifications required under the Act.

The Board is required to report to the Minister the results of every examination and to file with the Minister a report dealing with the qualifications of applicants exempted from examination under the Act.

Every person registered under the provisions of the former Act shall be entitled to receive from the Association a certificate of registration under this Act. The fees required for the certificates and licenses are provided for.

A person who is the holder of a certificate or interim certificate of registration is entitled to receive from the Minister a license or interim license permitting him to practise as a naturopath. The license must be displayed in a conspicuous place and may be cancelled or suspended by the Minister if the certificate of registration of the holder of the license has been cancelled, suspended or revoked.

A registered naturopath under the Act who is the holder of a certificate of competency in x-ray from a school or college approved by the Board may in connection with his practise use x-ray for making shadowgraphs or for the purpose of a general analysis wherein bone tissue is involved.

A registered naturopath shall, if he so desires, be exempt from serving on juries and at inquests.

No registered naturopath shall be liable in any action for negligence or malpractice by reason of professional services requested and rendered, unless the action is so commenced within one year from the date when such professional services terminated in the matter complained of.

Any naturopath who has reason to believe that any person whom he may be treating has any contagious or infectious disease or any other disease dangerous to public health, shall immediately give notice in writing to the officer of health of the municipality in which that person resides.

No masseur shall diagnose and prescribe treatment for any ailment, disease, defect or disability of the human body, unless he has first consulted a legally qualified physician in the Province to diagnose and prescribe treatment for such ailment, disease, defect or disability, and no physiotherapist or masseur shall make or attempt to make any adjustment of any boney structure of the human body.

Any person registered under the Act who commits any breach thereof or who wilfully or falsely pretends to be a physician, doctor, or assumes any title, addition or description other than "Registered Physiotherapist" or "Registered Massuer" as the case may be, shall be guilty of an offence under this Act and liable to the penalties provided.

Nothing contained in any Act in force in the Province shall prohibit a duly registered or licensed naturopath, physiotherapist or masseur practising under the provisions of this Act for hire, gain or hope of reward, and every person registered under the Act shall be entitled to demand from any person by whom he is consulted or employed and to recover as a debt in any court of competent jurisdiction the proper charges for such consultation and employment or either of them.

Nothing in the Act shall apply to or affect the practice of any profession or calling by any person practising the same under authority of a general or special Act of the Legislature, any nurse

or physiotherapist acting under the prescription or direction of a legally qualified medical practitioner, any physiotherapist who is a member of the Canadian Physiotherapy Association, the furnishing of first aid or temporary assistance in cases of emergency, or to any person treating human elements by prayer or spiritual means as an enjoyment or exercise of religious freedom.

The Act does not permit any person to prescribe or administer drugs for use internally or externally or to use or direct or prescribe the use of anaesthetics for any purpose whatsoever or to practise medicine, surgery or midwifery.

The Act does not permit any person to make any movement or adjustment of any segment or segments of the cervical vertebrae and any such movement or adjustment will be deemed a contravention of *The Chiropractic Act, 1945.*

The Act does not authorize any person to prescribe or administer drugs or medicinal preparations for or to treat any veneral disease, or any communicable disease as defined by *The Public Health Act,* nor shall he perform any surgical operation, or practise obstetrics or any branch of medicine or osteopathy.

The Act makes it an offence for any person, unless registered under the Act, to engage in the practice of "naturopathy" or use the title "naturopath", "physiotherapist" or "masseur" or any word, title or designation abbreviated or otherwise, to imply that he is engaged in the practice of naturopathy, physiotherapy or massage.

The Act prohibits a registered naturopath from displaying or making use of the prefix or title "Doctor" or the abbreviation "Dr." or any other words or letters commonly used to designate a legally qualified medical practitioner, or which suggests that he is a graduate or licentiate in medicine or surgery of any university or other diploma-granting body, unless at the same time he displays, or makes use of the word

"naturopath", the word "naturopathy" or the word "naturopathic" immediately preceding or following his name.

The Act makes it an offence for any person to procure, or attempt to procure, himself to be registered under this Act by making false or fraudulent representations or declarations, either orally or in writing, and every person knowingly aiding or assisting him therein shall be guilty of an offence under this Act.

In any prosecution under this Act it shall be sufficient proof of an offence under this Act if it is proved that the accused has done or committed a single act of unlicensed practice, or has committed on one occasion any of the acts prohibited by this Act.

A prosecution under this Act shall be commenced within one year from the date of the alleged offence.

Any person found guilty of an offence against the Act is subject to a penalty not exceeding one hundred dollars for a first offence, not exceeding two hundred dollars for a second offence, and to imprisonment for a term not exceeding three months without the option of a fine for a third or subsequent offence.

The onus of proof of registration under this Act is upon the person charged with the offence.

The Provincial Secretary is the Minister in charge of the administration of the Act.

The fees payable to the Minister for registration and licensing are prescribed.

This Act is to come into force on July 1, 1950.

ALBERTA EVIDENCE ACT AMENDMENT ACT

(Chapter 22)

(Bill 17)

This Act amends *The Alberta Evidence Act,* being chapter 106 of the Revised Statutes of Alberta, 1942.

Section 36 (2) is amended. The amendment increases the fee payable for obtaining copies of public documents or records from ten cents to twenty cents per folio of one hundred words. This fee has not been changed for thirty years and the new fee approximately equals the cost of having the copies prepared.

This Act is to come into force on July 1, 1950.

FIRE PREVENTION ACT AMENDMENT ACT

(Chapter 23)

(Bill 23)

This Act amends *The Fire Prevention Act*, being chapter 266 of the Revised Statutes of Alberta, 1942.

Section 5 of the Act is amended in order that fire prevention and fire inspection officers in fire departments may act as local assistants to the fire commissioner.

Section 11 is amended. At present local assistants are required to report all fires to the fire commissioner. Under the proposed amendment they will now only be required to report fires caused by negligence or design or in which loss of life or uninsured property occurs or fires with respect to which the fire commissioner has requested that a report be made.

Section 24 is amended. At present if a fire occurs it must be reported to the fire commissioner both by the insurer and by the person suffering the loss. Under the amendment it would only be necessary for the person suffering the loss to report those fires in which his property is not insured. This amendment is designed to eliminate duplication in reporting fires.

This Act is to come into force on July 1, 1950.

FISHERY ACT

(Chapter 24)

(Bill 41)

This is a new Act to be known as "*The Fishery Act*".

It consolidates into one Act the provisions formerly contained in *The Alberta Fishery Act,* chapter 71 of the Revised Statutes of Alberta, 1942; *The Fish Dealers Act,* chapter 12 of the Statutes of Alberta, 1944; and *The Alberta Fish Inspection Act,* chapter 13 of the Statutes of Alberta, 1944. These Acts are repealed.

The Act applies to all fish, fishing and rights of fishing and to the sale of fish and to all other matters relating thereto which are within the legislative competence of the Province.

The Act is to be administered under the supervision of the Fish and Game Commissioner. The Lieutenant Governor in Council is empowered to appoint such fishery officers and other persons as are necessary in connection with the administration of the Act. Fishery guardians may be appointed by the Minister of Lands and Forests. Members of the Royal Canadian Mounted Police, forest officers and game officers are *ex officio* fishery guardians.

The Lieutenant Governor in Council is given a broad authority to make regulations. Regulations may be made governing the issue of licenses, fixing the fees for licenses and prescribing returns. Regulations may also be made governing the packing, handling, processing and storage of fish and providing for the inspection of fish. The regulations may require the payment of royalties on any fish or class of fish and may prescribe the amount of these royalties. They may also authorize the seizure of unsound fish.

Licenses may be issued to operate a fishing station or to buy or sell fish or to process fish or to engage in the business of exporting fish or operating a cold storage plant. Each license designates the class of business the licensee is permitted to carry on.

Fishing station operators, fish dealers and operators of cold storage plants are required to keep records, the nature of which is set out in the Act.

Fishing station operators, fish dealers and persons engaged in the business of processing, exporting or retailing fish

are required to send monthly statements to the Fish and Game Commissioner.

The provisions of the *Fish Inspection Act* as enacted by the Parliament of Canada are enacted by reference and have the force of law in this Province.

The powers of officers under the Act are set out in some detail. The term "officer" is defined as meaning any fishery officer, fishery inspector, fishery guardian, game guardian, game officer or forest officer, and also officers authorized under the *Fisheries Act* of the Dominion of Canada. Any officer may examine and take extracts from records required to be kept by this Act. An officer is authorized to stop and search without a search warrant any vehicle or other means of transportation in any case where he has reason to believe that it contains fish subject to inspection or fish that has been dealt with contrary to the provisions of the Act. In carrying out his duties under the Act an officer can enter any building or premises other than a private dwelling and search without a warrant and may enter and pass over private property. If the officer in the course of the search finds fish which are being dealt with contrary to the provisions of the Act he is empowered to seize the fish as well as any documents relating thereto or any vehicle or other mode of transportation by which the fish were being conveyed. If an officer finds any person committing an offence he may arrest such person without a warrant and may seize any fish or other articles in the possession of such a person.

Every carrier before transporting any fish is required to obtain from the shipper a statement in duplicate containing certain information which is set out in the Act. One copy of the statement accompanies the shipment at all times and the other is to be delivered to the consignee. No buyer or consignee can accept the fish unless it is accompanied by the statement. If a vehicle transports fish which is not accompanied or covered by the required statement both the vehicle and the fish are subject to seizure.

Penalties are prescribed for the commission of offences against the Act.

The Act also contains provisions relating to procedure in prosecutions and the admission of evidence in such prosecutions. Every prosecution must be commenced within a year after the commission of the offence, except in the case of a prosecution for an omission to keep records required to be kept. In that case the information may be laid at any time after the offence is alleged to have been committed.

Where any fish or vehicle is under seizure in connection with an offence against this Act confiscation of it automatically follows conviction for the offence. The confiscated property is disposed of in accordance with the directions of the Minister. However, in the case of fish which are subject to spoilage the justice before whom the information is laid or, if he is not readily available, any officer may sell or otherwise dispose of the fish. The proceeds of the sale of any property seized are transmitted to the Provincial Treasurer and form part of the General Revenue Fund.

If any person is convicted of an offence against the Act a license held by him is automatically forfeited upon conviction.

In any case of undue hardship or injustice the Minister may grant relief against the seizure, sale or forfeiture by directing the return of the article seized or by directing the payment of the proceeds of the sale to the person from whom the articles were seized.

This Act came into force on April 5, 1950.

FOREST RESERVES ACT

(Chapter 25)

(Bill 75)

This Act repeals *The Alberta Forest Reserves Act,* being chapter 63 of the Revised Statutes of Alberta, 1942, and enacts a new Act in its stead to be known as *"The Forest Reserves Act".*

An Agreement dated the 19th day of June, 1947, was entered into between the Government of Canada and the Government of the Province of Alberta,

providing for the conservation of the forests and for the protection of the watershed and rivers of the east slope of the Rocky Mountains. This Agreement was approved, ratified and confirmed by chapter 20 of the Statutes of Alberta, 1948, and by chapter 59 of the Stautes of Canada, 1947. A Board known as the Eastern Rockies Forest Conservation Board was established by the Agreement for the purpose of supervising and carrying out the terms of the Agreement. The Agreement further provides that the Province shall have complete authority and control with respect to the carrying out of the programs of the Board and the employment of persons, firms and corporations in connection therewith. Except as otherwise provided by the Agreement, the Province at all times retains control of the administration of the forest reserves, resources therein and the revenue therefrom.

This Act is designed to implement the terms of the Agreement and to establish the machinery and powers necessary to administer the forest reserves in the Province. It retains many of the provisions of *The Alberta Forest Reserves Act,* but in redrafted form.

Sections 3 to 10 deal with the application and the administration of the Act. The Act applies solely to all forest reserves in the Province that come under the jurisdiction of the Eastern Rockies Forest Conservation Board. The Minister is required to consult the Board on all matters of policy connected with the administration and development of these forest reserves. All forest reserves within the Province are established for the conservation of the forests, for the maintenance and protection of animal, bird and fish life, and for the maintenance of conditions favourable to a continuous water supply. The Minister of Lands and Forests has exclusive provincial jurisdiction over the lands contained in a forest reserve, and no public lands in such a reserve may be dealt with in any way except under the authority of the Act or except with the written permission of the Minister of Lands and Forests.

Section 11 empowers the Lieutenant Governor in Council to make regulations

not inconsistent with the Act governing matters necessary for the effective administration of the Act. Each regulation so made shall come into force on the day upon which it is approved or made, or on such earlier or later date as may be prescribed in the order in council, and every such regulation shall have the same force and effect as if it had been expressly enacted by the Act. All such regulations shall be published in *The Alberta Gazette* and shall be laid before the Legislative Assembly within fifteen days after the opening of the first session following their publication.

Sections 12 to 18 deal with the expropriation or use of freehold lands incidental to the construction or maintenance of local roads or works necessary for the administration of any reserve. The powers are similar to those to be found in *The Public Works Act.*

Sections 19 to 24 give the Minister power to establish local roads in a forest reserve and to control traffic over them. He may establish toll rates for the commercial use of any local road or part thereof. The money thereby obtained shall be used for the construction of additional local roads or for the maintenance of any local roads from which the toll has been collected. The Act also provides that no action shall lie against the Crown or any officer for damages arising out of the use of any highway, development road, local road, trail or bridge within a reserve. Entry into a reserve is permissive only and not a matter of right.

Section 25 prohibits any person other than a forest officer from travelling, camping or being present in a reserve unless he has a permit entitling him to do so, or unless he has registered at a registration point provided for that purpose. From time to time the Minister may prohibit all travelling in a reserve without a special permit when circumstances require it. Section 25 does not apply to travel upon a public highway; or upon a road, street, lane or track upon which he is authorized to travel under the provisions of *The Private Streets Act;* upon a railway train; or upon the right-of-way of a

railway company which right-of-way is in actual operation or use.

Sections 26 to 31 contain the same provisions concerning the control of stock in forest reserves as were contained in *The Alberta Forest Reserves Act.* The provisions have been redrafted for greater clarity.

Section 32 provides that if any lessee, licensee or permittee is convicted of an offence against the Act, his lease, license, or permit shall be cancelled without further action. The Minister may authorize the reinstatement of any such lease, license or permit upon such terms as he may deem just.

Section 33 deals with the registration and control of firearms in a reserve.

Section 34 empowers any forest officer to arrest without warrant and bring before a justice of the peace to be dealt with according to law, or to remove from any reserve, any person found violating any provision of the Act or of the regulations. Any forest officer is authorized to seize anything wrongfully removed from a forest reserve or any weapon or appliance which may be used for killing or capturing any animal, bird or fish. He may also search for these articles without warrant within the reserve or within twenty-five miles of the outer boundaries thereof. By section 38 the Minister in his discretion may direct the return of the article seized upon such terms as he may deem just.

Section 39 provides that a contravention of any provision of this Act or of the regulations or of any term or condition of a lease, permit or license shall constitute an offence against the Act.

Section 40 sets out the general penalty clause.

Section 41 provides that in any prosecution or investigation under the Act or the regulations, the onus shall be upon the person charged or investigated to prove compliance with the provisions of this Act or the regulations.

Section 42 provides that every forest officer shall have all the powers of a justice of the peace for the purpose

of this Act. This provision is necessary because of the isolation of the forest reserves.

Section 44 adopts sections 116 to 163 of *The Forests Act* which deal with the prevention of forest fires. These sections shall be administered by the Administrative and Liaison Officer of the Department of Lands and Forests rather than by the Director appointed under *The Forests Act.*

The Alberta Forest Reserves Act, being chapter 63 of the Revised Statutes of Alberta, 1942, is repealed.

This Act came into force on April 5, 1950.

FORESTS ACT AMENDMENT ACT

(Chapter 26)

(Bill 66)

This Act amends *The Forests Act,* being chapter 43 of the Statutes of Alberta, 1949.

Section 2(*e*) and section 7(1) of the Act are amended to correct the reference to the title of *The Public Service Act, 1947.*

Section 10 is amended to dispense with the need of having timber berths thoroughly cruised by a qualified timber cruiser in the employ of the Province before such timber berths are disposed of by the Minister. This amendment is necessary because of the scarcity of qualified timber cruisers in the Province.

Section 14(1)(*b*) is amended for the same reason. The amendment requires a timber berth to be thoroughly cruised by a qualified forest officer in the employ of the Province instead of by a qualified timber cruiser.

Section 14(1)(*c*) is struck out. The general rate of dues payable under the license to cut timber on public lands in the Province is dealt with in other amendments to the Act.

Section 16 is amended. By the amendment, the notice of sale of timber berths by advertisement shall include the conditions governing the competition for the berth.

Section 17 is amended by adding the conditions that no tender may be withdrawn once it has been submitted and that in case any person submits more than one tender for one berth, all such tenders shall be rejected.

Section 18 is amended to clarify the meaning. By the amendment, every tender to purchase a berth shall be presumed to include the purchase price of the berth.

Section 19 is amended so that the officer in charge of the sale of the timber berth shall announce only the name of the highest tenderer.

Section 20 is amended. At present the Minister is required to refer every appeal from his awarding of a berth to a Board of three arbitrators. The amendment provides that the Minister in his discretion may refer the matter to the Board. The amendment is designed to abolish frivolous appeals which delay the commencement of work on the berth for considerable time, with resulting inconvenience to the operator.

Section 21 is struck out and a new section is substituted. This section deals with the appointment of a Board of three arbitrators to hear appeals from the awarding of the berths. The chairman of the Board is appointed by the Lieutenant Governor in Council. At present, The Alberta Forest Products Association, and the operators of small portable mills who are not members of the Association are both required to furnish the Minister with a panel of names from which the Minister selects the names of the other two members of the Board. The operators of small portable mills are not sufficiently organized to submit a proper panel of names. Under the amendment, the Association shall furnish the Director with a panel of names of recommended arbitrators, and the Director shall select a panel of names from amongst the small portable mill operators. In each individual arbitration, the Association shall select one arbitrator from its panel of named persons, and the Director shall select one arbitrator from the panel of names of operators of small portable mills. The other provisions of the section are retained.

Section 25 is amended by striking out the requirement that the person to whom a berth is awarded shall pay the percentage of the purchase price prescribed in the notice of sale based on the quantity of timber estimated to be on the berth. Often the terms of sale prescribe an overriding royalty to be paid rather than a purchase price.

Section 27 is amended. At present, the license to be issued for a berth shall be in Form D of the Schedule. By the amendment, the license shall be in such form as may from time to time be determined by the Minister. This will allow for greater flexibility and will enable the Minister to meet the requirements of changing conditions and of individual cases.

Section 30 is struck out and a new section is substituted to bring it into conformity with other amendments to the Act. The required cash deposit accompanying every tender to purchase a berth as set out in the notice of the sale may now be made in cash or in bearer bonds of the Government of Canada or of the Province of Alberta. The licensee shall be entitled to the interest coupons attached to such bonds as they fall due.

Section 32 is amended so that all licenses or renewals thereof shall expire on the thirty-first day of July following the date on which they were issued, rather than on the thirty-first day of March. The commencement of the license year has been changed throughout the Act because winter timber operations are usually finished and work is at a standstill in April or May of each year.

Section 33 is amended by requiring the licensee to pay upon the granting of each license and any renewal thereof the additional levies of an annual fire-guarding charge of two cents for each acre in the berth, together with the timber area tax. The amendment consolidates in one section the levies which the licensee must pay. The annual ground rent is increased from ten to twenty dollars per square mile or fraction thereof, and the annual license fee is increased from five to ten dollars.

Section 34 is amended. At present, the Lieutenant Governor in Council must

set the general rates of dues in advance for the ensuing license year. Under the amendment, unless otherwise specified in the notice of sale the dues payable by a licensee shall be at the general rates prescribed by the Lieutenant Governor in Council on all products of timber cut upon the berth; and the rates may be amended downward or upward at any time during the license year to meet changing conditions. This reverts to the procedure formerly in force.

Section 36 is amended. It is proposed that fire-guarding charges should not be changed merely because the timber consists mostly of damaged, dead, diseased, fallen or fire-killed timber. Such timber would require the same fire-guarding protection as normal timber.

Section 37 is amended. All permits shall now expire on the thirty-first day of July next following the date upon which they are granted, rather than the thirty-first day of March as at present. There are other minor amendments for clarification and administrative purposes.

Sectin 37(4) at present authorizes the Director to grant without competition a permit to a licensee of a timber berth to cut isolated fringes of timber on available public lands lying immediately next to his cuttings. The amendment makes the granting of such permit subject to the conditions set out in clauses (*a*), (*b*) and (*c*) of subsection (2) which deal with the guarantee deposit required and the expiration date of the permit.

Section 39 is amended by empowering the Director rather than the agent, to refuse applications for the cutting of green timber where a sufficient quantity of suitable dry timber is available to the applicant. There are no longer any public land agents.

Section 40(1) is amended to require returns accounting for the timber cut to be made to the Director as prescribed in the proposed amendment to section 50, and to require dues to be payable forthwith. At present, returns are made to the Director monthly or at such other times as he may require; no

forms are prescribed by the Minister; and while dues are payable on all timber cut, no time is set for such payment. The amendment resolves these difficulties.

Section 40(5) is amended, and a new subsection (6) is added. At present, where any overcut has been made by a permittee in excess of twenty-five per cent of the amount of timber for which the permit is issued, the permittee shall pay double the general rate of dues on the total quantity of the overcut. This is not changed. Under the amendment, this subsection will now apply to any persons cutting timber for use on their own farm lands. It will not apply to certain permits issued under the Act which do not limit the quantity of timber that may be cut.

Section 41(1)(*d*) is redrafted to make it clear that permits to cut timber upon vacant public lands may be granted without dues if the timber is to be used for the construction in rural areas only of certain types of religious, charitable or community buildings. As the clause is presently worded, there is no limitation as to the locality in which these buildings may be constructed.

Section 42 is redrafted. Any settler who obtains a homestead, or a lease under *The Public Lands Act*, and who has no timber made available to him, may obtain a permit to cut such timber on other lands as he may require for use on his own land. The amount of timber cut shall not exceed three thousand lineal feet of building timber, or nine thousand and two hundred and fifty board feet measure of lumber. The section is redrafted to make this clear; and the limitation on the diameter of logs to be cut is removed because settlers use logs of varying diameters in the construction of log buildings.

Section 44 is redrafted and amended slightly. At present, where any settler has lost his dwelling or other building by accidental fire, he may obtain a permit free of dues within two years of such fire entitling him to cut for use on his land the quantity of timber to which he was originally entitled upon obtaining his homestead or lease. The amendment limits him to the

quantity of timber required for the replacement of the building which shall in no case exceed the quantity to which he was originally entitled.

The present section 45 is renumbered as subsection (1), and a new subsection (2) is added. The new subsection provides that, unless otherwise provided in the Act, all permits and any renewals thereof shall be for a term not exceeding twelve months and in any event shall expire on the thirty-first day of July, following their issue, which is the new anniversary date for permits and licenses.

Section 46(1) is amended by striking out the provisions requiring the licensee to keep a sawmill including a properly equipped edger in operation in connection with his berth for at least six months of each year of his holding. This provision has proved to be unworkable, as all the timber may be cut in a much shorter time. The subsection already requires him to manufacture a minimum number of board feet measure of timber for each berth each year.

Section 47(3) is amended to change the period during which a fire patrol must be maintained by a licensee in larger berths in each year during the continuance of his license. At present, the period is from the fifteenth day of April to the thirty-first day of October. Under the amendment, the period shall be from the first day of April to the thirtieth day of November, both dates inclusive. The effect of the amendment is to lengthen the period during which a fire patrol must be maintained so as to cover the period of fire risk.

Section 48(2) is amended by changing the end of the bookkeeping year from the thirty-first day of March to the thirty-first day of July in each year.

Section 49 is amended to provide that proof on oath as to the disposition of timber cut shall be furnished on the thirty-first day of October rather than on the first day of April of each year, as at present.

Section 50 is struck out and a new section is substituted. At present every

licensee must submit a sworn return to the Director, monthly or at such other times as the Director may require, accounting for certain dispositions of timber. No forms are prescribed by the Minister; and while dues are payable on all timber cut, no time is set for payment. Under the amendment, the licensee or his lawful attorney shall file a sworn return with the Director not later than the twenty-first day of each month on forms prescribed by the Minister, accounting for the same dispositions of timber during the preceding month, and dues shall be payable forthwith on the product of manufacture and sale of the timber and on the measurement or scale of the timber and on all timber cut upon the land comprising the berth, as required by the Director.

Section 52(1) is amended to provide that all timber taken under license from any berth acquired under the provisions of the Act, excepting dry pulp-wood and green black spruce for Christmas trees, shall be manufactured within the Province. At present, the subsection applies to all timber taken, whether under license or not; and green black spruce for Christmas trees are not excepted from the provisions of the subsection. Green black spruce is not a commercial timber.

Section 55 is amended and clarified by removing the provision that when land within a berth fit for settlement is withdrawn for that purpose upon the expiration of the time for which the license is issued for such berth, the ground rent shall be reduced in proportion to the area withdrawn. Any adjustments of ground rents would be made upon the issuing of a new license or renewal.

Section 61 is amended to conform to the amendment to section 30(1). At present, bearer bonds of the Dominion of Canada or the Province of Alberta are furnished as a guarantee deposit. The interest coupons shall in no case be made available to the licensee until the bonds are returned. Under the amendment, the licensee shall be entitled to the interest coupons attached to such bonds as they fall due.

Section 67(1) is struck out. Subsection (1), which deals with fire-guarding charges, is transferred to section 31 as a new clause (*c*), where it more properly belongs.

The present section 76 is renumbered as subsection (1) and a new subsection (2) is added. The new subsection requires the licensee, before commencing operations each year, to submit to the Director for approval a working plan of the berth, describing the area to be worked, the extent of the proposed operations, and any logging roads to be constructed; the location of and time of proposed construction of camps or sawmills; the proposed date of commencement and the method of logging to be employed; and the number of contractors engaged or to be engaged, their names and addresses, together with a description of the lands upon which such contractors may conduct operations. This information is necessary in order to facilitate the work of the Departmental field men in inspecting the operations of the licensee.

Section 85 is amended by renumbering the section as subsection (1) and by adding a new subsection (2). The new subsection provides that when any officer makes a seizure of any timber, timber product, or any truck, tools or equipment used in the cutting and transportation of timber, the Director, in his discretion, may order operations upon the berth where the timber was cut to be suspended.

Section 93(1) is amended by including timber infested with any parasitic growth in the classes of timber which must be destroyed by the person having charge thereof when required to do so in writing by the Director.

Section 93(4) is amended. At present, all costs of disposing of infected timber are payable by the person required by the Director to destroy same. Under the amendment, all costs of disposing of infected timber shall, in the discretion of the Minister, be borne by the owner, lessee, licensee or permittee, as the case may be, or the costs may be apportioned according to the circumstances.

Section 95 is amended by adding a new clause (*gg*), empowering the Lieutenant Governor in Council to make regulations prescribing rates of dues on the products of timber and fixing rates of dues on timber cut in lumbering operations in which use is made of a log scale in determining the measurement of the timber.

Section 98 is struck out and a new section is substituted for greater clarity. Under the amendment each regulation made by the Lieutenant Governor in Council shall come into force on the day upon which it is approved or made, or on such earlier or later date as may be prescribed in the order in council and every such regulation shall have the same force and effect as if it had been expressly enacted by the Act. All regulations shall be published in *The Alberta Gazette* and shall be laid before the Legislative Assembly within fifteen days of the opening of the first session following their publication.

A new section 107*a* is added which provides that a person who continues to operate on any berth after the Director has ordered operations on that berth to be suspended shall be guilty of an offence and subject to penalty.

Section 109 is amended as the payment of dues upon timber cut is already provided for in section 63.

Section 110(1) is amended. At present, a receipt for a tender submitted for any sale, lease, license, permit or other agreement, entitles the person to whom it is issued to possession of the land described therein to the exclusion of any other person. Thus several persons might seek exclusive possession of the same land. Under the amendment, it is only the lease, license, permit or other agreement itself which gives such a right. The amendment seeks to prevent premature or illegal operations on the berth. Exclusive right to such land is to be limited to the purpose for which such document is issued. Trap lines and other rights not connected with the object for which such document is issued are thus protected.

Section 117, being the interpretation section of Part III of the Act which deals with the prevention of forest and prairie fires, is redrafted for greater clarity. The definitions of "clearing", "close season", "forest", and "person" are added to the section.

Section 119(1) is amended by adding the resident taxpayer appointed by the council of each municipal district to the classes of persons who are *ex officio* fire guardians.

Section 134(3) is amended. All permits issued under this section shall now expire on the thirty-first day of July following the date of their being issued, rather than on the thirty-first day of March as at present.

Section 134 is further amended by adding a new subsection (4), which provides that any person engaged in exploratory operations who has obtained a permit from the Director of Lands under *The Public Lands Act* shall not be required to obtain a further permit under this section, but this Act shall otherwise apply to such person.

Section 136(3) is redrafted to make the intention clear. The amendment provides that every person having charge of a portable or stationary engine, camp, mine, or sawmill, using any fuel whatsoever, and located in or within one-half mile of any forest or forest land, shall have the area surrounding any potential source of fire cleared of inflammable material for a distance of at least three hundred feet and such further distance as the Director may in his discretion require by notice in writing.

Section 152 is amended. At present, any person who kindles a fire in the open air for camping, branding or other purposes, and who leaves the same without having extinguished it, is liable to a penalty not exceeding one hundred dollars. The amendment imposes a penalty of not less than ten dollars and not more than one hundred dollars and costs, and in default of payment to imprisonment for not more than sixty days.

Section 153 is amended to make it clear that any person who during the close season sets out fire for certain

prohibited purposes shall be guilty of an offence. No penalty is specifically provided. The amendment adds a penalty of not less than twenty-five dollars and not more than three hundred dollars and costs, and in default of payment to imprisonment for not more than sixty days.

Section 154 is amended by adding a new clause (*d*), making it an offence for any person, either directly or indirectly, to kindle any fire for the clearing of land during the close season, without first having obtained a permit from the Director entitling him to do so.

The present section 157 is renumbered as subsection (1) and a new subsection (2) is added. The new subsection (2) provides a penalty for any person failing to comply with the requirements of section 136(3), which deals with the precautions to be taken by camp, mine or mill owners, and persons having charge of portable stationary engines using any fuel in the generation of power. Such persons shall be liable to a penalty of not less than twenty-five dollars and not more than three hundred dollars and costs, and in default of payment to imprisonment for not more than sixty days.

A new section 159*a* is added. This section provides that no action shall lie at any time against any person for anything done by him in the performance of the duties assigned to him under the Act.

Form A in the Schedule is amended by striking out a restrictive title. The amendment enables the Power of Attorney form to be used generally under the Act and does not restrict its use to applications for a license or a permit to cut timber on public lands in the Province.

The affidavit of execution is struck out of Form C in the Schedule because of the difficulty experienced in getting it sworn.

Form D in the Schedule is struck out because of the amendment to section 27.

The Act comes into force on the day upon which it is assented to, as the end

of the present license year is the thirty-first day of March and it is proposed that the amendments be given effect to at the earliest possible opportunity.

This Act came into force on April 5, 1950.

GAME ACT, 1946, AMENDMENT ACT

(Chapter 27)

(Bill 53)

This Act amends *The Game Act, 1946*, being chapter 4 of the Statutes of Alberta, 1946.

Section 2 of the Act is amended.

In clause (*f*) the word "Forests" is substituted for the word "Mines" so that the Department concerned with the administration of the Act is now the Department of Lands and Forests.

Clause (*r*) is amended by including as game guardians those persons referred to in section 123 of the Act.

Clause (*s*) is amended by substituting a new definition for "Game officer".

Clause (*t*) is amended by deleting bird sanctuaries from the definition of "game preserve".

Clause (*x*) is amended by substituting a new definition of "Illegal game".

Clause (*aa*) is amended so that the Minister charged with the administration of this Act is now the Minister of Lands and Forests.

Clause (*jj*) is amended to correct a previous error in the printing.

Section 7 of the Act is amended by substituting a new section 7 which prohibits any person from keeping any big game or fur-bearing animal unless licensed to do so. The previous section 7 is no longer necessary because it is a duplication of section 14.

Section 8 is amended so that for the purpose of the section the edge of any body of water, lake or river is not to be considered a fence.

Section 9 is amended by prohibiting the use of a Submarine Trap in the

taking of any game, by eliminating the prohibition of the use of automatic shotguns and by rewording the section.

Section 10 is amended by substituting a new section which clarifies the intention of the section.

Section 12 is amended by substituting a new subsection (2) which includes a penalty for damaging any signs or notices posted by the Fish and Game Commissioner.

The heading "Game Preserves" which immediately precedes section 13 is amended by adding the words "And Bird Sanctuaries".

Section 13 is amended by dividing it into two subsections one of which deals with hunting in game preserves, and the other dealing with hunting in a bird sanctuary.

Section 14 is amended by bringing under the operation of this section those areas established by the Province as Provincial Parks, and by making the section applicable to a bird sanctuary as well as to a game preserve.

Section 15 is amended to make it necessary to obtain a license before hunting or trapping weasels.

Section 19 is amended by extending the prohibition against having in possession any big game or game bird to the having in possession of any fur-bearing animal.

Section 20 is amended so that the prohibition against transporting fur-bearing animals out of the Province without a permit is eliminated.

Section 25 of the Act is amended by substituting a new section divided into five subsections which prohibit any person hunting without a license and require the production of such license to any authorized game officer. The new section also contains the original requirement that no person may transfer a license or use any other person's license.

Section 27 is amended to prohibit any person from shooting or having in his possession any female big game animal.

Section 30 is amended by including any shotgun or bow and arrow among the weapons which hunters are prohibited from using in hunting big game.

Section 34 is amended so that a permit is no longer necessary under the section which now requires only an authorization in writing before taking big game animals to feed fire-fighting crews.

Section 35 is amended. It was previously mandatory for the Minister to prohibit any person who discharged a firearm at another person from holding a game license. Under the proposed amendment he may now exercise his discretion and does so only in the case of a person who has been convicted of an offence in relation to such discharge of a firearm.

Section 40 is amended by substituting a new section which provides for the issuing of metal tags to any person licensed to hunt big game, and for the use and application of the metal tags by the licensee.

Section 43 is amended so that it will not conflict with other sections in the Act.

Section 45 is amended by removing the restriction on automatic shotguns and replacing it with a provision that no person shall hunt with a shotgun capable of holding more than three shells in the magazine and chamber combined.

Section 50 of the Act is amended. The existing subsection (6) prohibits the use in the hunting of beaver of any firearm firing a Rim Fire Cartridge. The amended subsection would limit this prohibition to rifles firing a .22 calibre Rim Fire Cartridge.

Section 56 is amended by replacing a reference to the *Naturalization Act* of Canada with a reference to *The Canadian Citizenship Act* and by changing the words "British subject" where they refer to the *Naturalization Act* to the words "Canadian citizen".

Section 59 of the Act is amended by providing that the registration of a trapline shall expire on the thirty-first day of August instead of the fifteenth day of July.

Section 76 of the Act is amended as to Class 2 of subsection (1) so that travelling fur dealers holding a Class 2 license may purchase skins or pelts of animals raised in captivity anywhere in the Province from the holder of such skins or pelts, and by striking out the Class 6 type of license.

Section 79 is amended by the addition of three new subsections. If a fur dealer is not keeping proper records his books may be seized and replaced by a new set of books furnished by the Department.

Section 93 of the Act is amended by substituting new subsections (1), (1*a*) and (1*b*) for subsection (1) which change the qualifications required by the holder of Class A and B licenses.

Subsection (3) of section 93 is amended by substituting a new subsection (3) which prohibits the holder of a Class C guide's license from carrying a firearm while engaged in the guiding of any hunting party.

Subsection (4) of section 93 is amended to enable a Class C guide to guide persons engaged in hunting antelope as well as game birds.

Subsection (5) of section 93 is amended by substituting a new subsection (5). Whereas a person holding a Class A guide's license may at present guide more than one person if he employs as an assistant the holder of a Class B guide's license, under the proposed amendment under no circumstances will the holder of a Class A or B guide's license act as a guide for more than one person on a trip while hunting big game.

Subsection (6) of section 93 is amended by extending the prohibition against hunting by a Class A or B guide to a Class C guide.

A new section 94*a* is added immediately after section 94. This section constitutes every licensed guide a game guardian while actually guiding a hunting party in the field.

Section 95 of the Act is amended by striking out the reference to *The Provincial Lands Act* and *The Forest and*

Prairie Fires Prevention Act and by substituting a reference to *The Public Lands Act* and *The Forests Act*. This amendment is made necessary by the new names which have been given the Acts whose names are being deleted.

Section 97 of the Act is struck out and replaced by a new section 97 which prescribes the conditions under which an oufitter's license may be issued.

Section 98 of the Act is amended by substituting the first day of July for the first day of June as the date by which an application for an outfitter's license must be made.

Section 102 of the Act is amended by deleting the reference to *The Provincial Lands Act* and *The Forest and Prairie Fires Prevention Act* and by substituting for these Acts *The Public Lands Act* and *The Forests Act*.

Section 121 is amended so that where it previously referred to a Game Commissioner and a Fish and Game Commissioner, it now refers to a Game Commission and a Fish and Game Commissioner. This amendment is necessary to correct a misprint in the section.

Section 123 is amended by deleting fire rangers from the classes of persons who are automatically game officers under the section.

Section 125 is amended to make it possible for the Lieutenant Governor in Council to make regulations providing for the issuing of any licenses or permits to non-residents or residents. Under the existing clauses (*a*) and (*b*) the Lieutenant Governor in Council may only make regulations for the issuing of licenses of specified categories to residents and non-residents. The section is further amended as to clause (*d*) to enable the Lieutenant Governor in Council to fix the maximum number of fur-bearing animals which may be taken in any period. The section is further amended as to clause (*e*) to give the Lieutenant Governor in Council power to make regulations providing for the period of open seasons for the hunting of any game. The section is further amended as to clause (*s*) by authorizing

the Lieutenant Governor in Council to make regulations generally for prohibiting or restricting the use or possession of any shotgun, rifle or other firearm of any particular calibre.

Section 149 of the Act is amended by the addition of a new subsection (2). The new subsection would make everyone a party to and guilty of an offence against this Act who either commits the offence, aids any person in committing the offence, or abets or counsels any person in the commission of the offence.

Section 152 of the Act is amended. At present it is an offence to make any false statement when applying for a license or permit under the Act. Under the amendment it will also be an offence to make such a false statement when applying for any other document required under the Act.

Section 153 of the Act is amended to make it an offence for any non-resident to obtain any resident license or permit under the Act. The section is thus extended to include any license or permit obtainable under the Act rather than just permits to hunt game.

Section 160 of the Act is amended by increasing the minimum penalty from ten dollars to twenty dollars and by increasing the maximum penalty from twenty dollars to fifty dollars.

Section 162 is amended to include section 27 as one of the sections to which the penalty therein provided is applicable.

A new section 164*a* provides for the publishing of a notice once in each year in *The Alberta Gazette*, which notice will set out the name and address and the nature of the conviction of every person convicted of an offence under this Act.

The Schedule to the Act is struck out and a new Schedule substituted. In this manner the game preserves and bird sanctuaries are set out in alphabetical order and the legal description of each appears after the name of the game preserve or bird sancturay.

This Act came into force on April 5, 1950.

GAS RESOURCES PRESERVATION ACT AMENDMENT ACT

(Chapter 28)

(Bill 24)

This Act amends *The Gas Resources Preservation Act*, being chapter 2 of the Statutes of Alberta, 1949 (Second Session).

Section 2, which is the interpretation section, is amended as to the definition of "Board" by changing the reference from *The Oil and Gas Resources Conservation Act* to *The Oil and Gas Resources Conservation Act, 1950*, which is necessary as the latter Act has now been passed in substitution for the Act referred to in the definition. The definition of "pool" is also amended for the purpose of clarification.

Both subsections of section 6 are amended so that the date for the hearing of an application will not be set, and notice of the hearing will not be given, until the applicant has submitted the information required by the preceding section to support the application.

A new section 8*a* is added. It provides that an assignment of a permit under this Act must have the consent of the Board, given with the approval of the Lieutenant Governor in Council, and it empowers the Board to make such inquiry as seems necessary before granting consent.

Section 12 is amended for clarification and for greater uniformity with the provisions of *The Oil and Gas Resources Conservation Act, 1950*.

A new section 15*a* is added immediately after section 15. This section provides that the Board will have the same powers to carry out the provisions of this Act as it has under *The Oil and Gas Resources Conservation Act, 1950*.

This Act came into force on April 15, 1950.

HOSPITALIZATION OF CITY RESIDENTS ACT

(Chapter 29)

(Bill 36)

This is a new Act to be known as "*The Hospitalization of City Residents Act*".

The Act provides that the council of any city may pass by-laws establishing a hospitalization scheme under which ratepayers and non-ratepayers of the city may receive hospitalization at a cost to the patient of one dollar per day or less for each day the patient is in hospital. In the case of ratepayers the money to operate the scheme may be raised by a mill rate tax. In the case of non-ratepayers the money to operate the scheme may be raised by a tax on the non-ratepayers or by a contract plan for hospitalization.

The Act provides that notwithstanding anything contained in any city charter or any other Act any by-law mentioned above that is passed by the council shall be valid and may be carried into effect without the necessity of of any vote of the residents or of the electors entitled to vote on money by-laws.

This Act came into force on April 5, 1950.

HOSPITALS ACT AMENDMENT ACT

(Chapter 30)

(Bill 48)

This Act amends *The Hospitals Act*, being chapter 184 of the Revised Statutes of Alberta, 1942.

Section 2 is amended by the addition of definitions of two new terms, namely, "ratepayer" and "standard ward hospitalization".

A new section 2*a* is added immediately after section 2 enabling the Minister to classify approved hospitals into groups according to the standard of services available in the hospital.

Several new sections are added immediately after section 3. The new section 3*a* enables the Minister to pay a hospitalization grant. This grant is payable to the board of any municipal hospital district that hospitalizes its ratepayers in a hospital operated by the board and to the board of any municipal hospital district or to the local authority of any municipality that has made arrangements for the hospitalization of

its ratepayers by means of an agreement with an approved hospital. Such an agreement is subject to the approval of the Minister and it must provide for the hospitalization of ratepayers at a direct cost to the patient of one dollar or less per day for standard ward hospitalization and it must provide for a voluntary contract plan for hospitalization whereby its non-ratepayers may obtain standard ward hospitalization at a direct cost to the patient of one dollar or less per day. Where an agreement is entered into the hospitalization and services provided under the agreement must be equivalent to the hospitalization and services available to ratepayers of the municipal hospital district that operates the hospital.

Section 3*b* provides that the hospitalization grant may be paid on a *per diem* basis for each day of hospitalization received by a ratepayer or his dependants in the hospital operated by the municipal hospital district or the hospital with which the municipal hospital district board or the local authority has made an agreement. The section fixes the amount of the *per diem* grant which varies with the grouping of the hospital in which the hospitalization is received and according to the age of the patient. Hospitalization grants are to be paid out of moneys appropriated by the Legislature for the purpose.

Section 3*c* deals with the case of a ratepayer who receives hospitalization as an emergency admission or as medically referred admission in a hospital other than the hospital operated by the municipal district or the hospital with which his municipal hospital district board or his local authority has entered into an agreement. In such a case, if the local authority or the municpal hospital district which would have been responsible for his hospitalization pays on account of the hospitalization of the patient an amount equivalent to the cost of the hospitalization to which he would have been entitled if he had been hospitalized in the hospital operated by the municipal hospital district or the hospital with which his municipal hospital district board or his local authority had entered into an agreement, the Minister is authorized to pay to the

local authority or the municipal hospital district, as the case may be, the usual *per diem* hospitalization grant in respect of such patient.

Section 3*d* provides that the grant shall not be paid in respect of a ratepayer whose hospitalization is being provided under *The Workmen's Compensation Act, 1948*, or under other legislation passed by the Province, or in respect of any persons or classes of persons who may be excluded by order in council.

Section 3*e* provides for cases where the *per diem* rate of grant may be reduced. This section provides that in a case where the municipal hospital district board or the local authority makes an agreement for hospitalization at a daily rate lower than the figures set out in the section the *per diem* hospitalization grant may be proportionately reduced. It also provides that the total amount of the *per diem* hospitalization grant in respect of patients hospitalized in any hospital may be reduced by the amount of any increase in the total sum that the Province pays for the hospitalization of pensioners and of maternity and indigent patients in that hospital.

Section 3*f* enables the Minister, with the approval of the Lieutenant Governor in Council, to make regulations in connection with the administration or payment of the hospitalization grants.

Section 5(5) is amended. In cases of sudden emergent necessity the hospital is required to send a notice to the local authority within ten days of the date of admission of an indigent sick person. The amendment increases the time within which the notice can be sent from ten to twenty days.

The proviso to section 6(5) is amended by increasing the amount from two hundred to three hundred dollars. A similar change was made to section 6(4) and to section 7(2)) in 1949 and the proviso is simply amended to conform with these provisions.

This Act is to come into force on June 1, 1950.

INDUSTRIAL WAGES SECURITY ACT AMENDMENT ACT

(Chapter 31)

(Bill 37)

This Act amends *The Industrial Wages Security Act,* being chapter 281 of the Revised Statutes of Alberta, 1942.

Section 2 of the Act is amended by including a definition of "wage" and "wages".

Section 5 of the Act is amended to overcome certain difficulties which have been arising in the administration of the Act. Whereas in the present section June 1st has been set as the arbitrary date on which security for wages must be filed by employers engaged in designated industries, it has been found in some designated industries that operations do not commence until some time subsequent to June 1st. Accordingly, it is proposed to substitute "the date of commencement of operations" as the date by which security for wages must be lodged with the Minister. The amendment would also overcome the argument advanced by employers that they are not required to furnish security for wages before June 1st even though they may have been operating from the first of the year.

Section 5 is further amended by adding a new clause (*b*) and by relettering the present clause (*b*) as clause (*c*). The purpose of this amendment is to require employers who have defaulted in payment of wages to furnish greater security than is required of an employer who has never defaulted in the payment of wages.

Section 12 of the Act is amended as to subsection (2) by including an alternative sentence of imprisonment in default of payment of the fine.

Section 13 is amended by including a minimum fine of one hundred dollars.

This Act is to come into force on July 1, 1950.

ALBERTA INSURANCE ACT AMENDMENT ACT

(Chapter 32)

(Bill 64)

This Act amends *The Alberta Insurance Act,* being chapter 201 of the Revised Statutes of Alberta, 1942.

Sections 99 and 105 are each amended. These two sections relate to valuation of contracts of life insurance and of annuity contracts. The effect of the amendments is to add references to more modern annuity tables which may be used for calculation of reserves under the Act. For purposes of these calculations interest is at an assumed rate not exceeding three and one-half per cent per annum.

Section 223 is struck out and a new section is substituted. This section at present limits the amount of insurance which may be placed on the life of a child. The amendment has the effect of increasing the amounts that may be carried. The Superintendents of Insurance of each of the provinces except Quebec have agreed on the proposed new section and a similar amendment will be introduced into the Legislatures of each of the provinces.

Section 371 is amended by the addition of a new subsection. The effect of this amendment is that in the case of a fraternal society a notice of the reduction of any benefit payable under a policy or of the increase of the premium payable shall be sent by registered post to the member affected rather than being given in the manner provided in the present section. This amendment has also been approved by the Superintendents of Insurance and will be introduced into the Legislatures of the other provinces.

Th Act provides that these amendments will come into force upon Proclamation so that the amendments can be made effective from the same date for all the provinces.

IRRIGATION PROJECTS ACT AMENDMENT ACT

(Chapter 33)

(Bill 44)

This Act amends *The Irrigation Projects Act,* being chapter 52 of the Statutes of Alberta, 1949.

Section 2(*c*) is amended. This clause authorizes the Lieutenant Governor in Council to expend moneys not exceeding two million dollars in 1949 for the development of irrigation projects and the construction and maintenance of irrigation works. The effect of the amendment is to enable this expenditure to be made in 1950.

This Act came into force on April 5, 1950.

ALBERTA LABOUR ACT AMENDMENT ACT

(Chapter 34)

(Bill 34)

This Act amends *The Alberta Labour Act,* being chapter 8 of the Statutes of Alberta, 1947.

Section 5 is amended by the addition of a new subsection (5) enabling the Minister to appoint a secretary, a chief executive officer and such other officers and servants as may be required by the Board.

Section 7 is amended by the addition of a new subsection (1*a*). When the Board of Industrial Relations is holding an inquiry investigating any employment the employer or any person in his employment is entitled to present evidence and arguments before the Board.

Subsection (2) of section 8 is struck out and a new subsection is substituted. The purpose of the amendment is to clarify the subsection and in particular to make it clear that it is not applicable in cases of collective bargaining under Part V of the Act. The new subsection provides that the Board may arbitrate between employers and employees in any case where, in the opinion of the Board, there has been a violation of any

provision of Parts I, II, III or IV or of any order, regulation or schedule made pursuant to those Parts.

Section 9(1)(*c*) is slightly amended by the addition of the words "or produce". The section deals with powers of inspection and the purpose of the amendment is to make it clear that an inspector has the right to require an employer to produce certain statements respecting wages and hours of employees.

Section 14 is amended to include a reference to subsections. Subsection (6) provides that an employer who violates the provisions of section 10 is guilty of an offence. Subsection (7) provides that an employer who falsifies records of hours or of wages or gives any other false information to the Board respecting wages or hours is guilty of an offence and liable to a penalty.

Section 14 is amended to include a reference to subsection (1) of section 10. The provisions of the Act relating to hours of work do not apply to persons holding positions which are supervisory or managerial. Under these circumstances there is no reason why an employer should record the hours of work of such person. The effect of the amendment is to exempt the employer from the necessity of recording the hours of work of persons holding managerial or supervisory positions.

Section 17 is struck out and a new section is substituted. The amendment clarifies the intention of the present section. Also, when employees have been notified of their hours of work or of their shifts these are not to be changed without twenty-four hours' notice to the employee.

Section 24(9) is amended. This subsection deals with handicapped employees and enables the Board to authorize wages less than minimum wages for handicapped employees. The effect of the amendment is that the Board will act under this subsection upon the request of the handicapped employee.

Section 26 is amended by striking out clauses (*a*) and (*b*) of subsection (1). This section provides that where

an employee wishes to bring an action against his employer to recover the minimum wage he must do so within twelve months of the time the cause of action first accrued. The section also provides that the employee must give notice of his intention to bring the action within six months. The effect of the amendment is to strike out the requirement relating to notice within six months.

Section 33 is amended. Subsection (2) (c) of this section presently enables the Board to prohibit the employment of a pregnant woman on night shifts during her pregnancy. The effect of the amendment will be to enable the Board to prohibit the employment of such a woman on night shifts for two months after delivery. Subsection (2) (e) of this section is also amended. This subsection enables the Board to require certain classes of employers to retain the services of a qualified first aid attendant. The effect of the amendment is to make the subsection applicable to an employer who operates an industry in an isolated area irrespective of the number of his employees.

Section 34 is amended to provide that no child shall be employed in any employment other than that covered by the present section without the consent of the Board.

Four new subsections are added to section 43. The new subsection (2) provides that for the purpose of computing holidays with pay where a business is sold the employment shall be deemed to have been continuous and uninterrupted by the sale. Subsection (3) provides that an employer who violates an order of the Board by failing to give his employees holidays with pay is guilty of an offence and liable to a penalty. Subsection (4) provides that the magistrate before whom an employer is convicted under subsection (3) shall order the employer to give holidays with pay to the employee within such time as may be fixed by the court, or if the employment has terminated, to pay to the employee the moneys to which he is entitled in lieu of holidays with pay. Subsection (5) provides that if the employer fails to

pay the sum ordered to be paid by the court in lieu of holidays with pay or fails to give the holidays with pay ordered to be given by the court the employer is guilty of an offence and liable to imprisonment.

Section 45 is amended by striking out clauses (*b*), (*c*) and (*d*) and by substituting a new clause (*b*) in their stead. The new definition of "schedule" includes holidays with pay.

Section 47 is amended by including holidays with pay in the subjects to be negotiated between employer and employees in an industry.

Section 48 is amended. It provides for the formulation of certain schedules at a conference between employers and employees. The amendment enables such a conference to formulate a schedule establishing a plan for holidays with pay.

Section 49 is amended. This section provides that if a schedule is agreed upon by employers and employees it may be declared in force by the Lieutenant Governor in Council. The effect of the amendment is that the schedule is to be agreed upon by a proper and sufficient representation of a majority of the employers and employees before it can be declared in force by the Lieutenant Governor in Council. The proviso to this section states that employers or employees may apply to have a schedule amended or rescinded after it has been in force for twelve months. This is also amended so that the application for rescission or amendment of the schedule may be made after ten months but the amendment or revocation will not be effective until after twelve months. The reference to wages and hours of labour in the section are struck out because they are now included in the new definition of "schedule".

Section 55 is amended. The amendment provides that the holidays with pay prescribed by any schedule shall not be less favourable to the employees than the provisions of this Act or of any orders or regulations made under the Act.

Section 57 is amended by substituting a new definition of the term "bargain-

ing agent" and by adding a new definition of the term "employee". Excluded from the definition of the term "employee" are persons employed in a managerial or supervisory capacity and professional men who are employed. The definition of "trade union" is also amended to exclude employer-dominated organizations. Subsection (2) of section 57 is struck out and a new subsection substituted. This subsection has been merely reworded for purposes of clarification of its present intention.

Section 59 is amended. The reference to the Minister is deleted from several of the subsections. The effect of this is that an application for certification as a bargaining agent will be received and dealt with by the Board. A new subsection is added to section 59 between the present subsections (9) and (10). This subsection provides that a trade union which is influenced or dominated by an employer shall not be certified as a bargaining agent and that an agreement entered into by it shall not be deemed to be a collective agreement for the purposes of this Part.

Section 60 is amended by the addition of a new subsection (3*a*) immediately following subsection (3). This subsection provides that if an employer is an extra provincial company whose board of directors does not meet in the Province the company shall appoint a person resident in the Province with authority to bargain collectively and to conclude a collective agreement on its behalf. Such a collective agreement is binding on the company and the company is guilty of an offence if it fails to appoint a person in accordance with this subsection.

A new section 61*a* is added immediately after section 61. The section provides that where a business is sold the purchaser is bound by all proceedings under Part V of the Act relating to collective bargaining, conciliation and arbitration. If a bargaining agent was certified the certification remains in effect and if a collective agreement was in force the agreement continues to bind the purchaser as if it had been signed by him.

A new section is added after section 64. This section provides that no employer shall deny to any employee pension rights to which he would otherwise be entitled by reasons only of his participating in a legal strike or lock-out or by reason only of his dismissal contrary to the provisions of this Act.

Section 71 is struck out and a new section is substituted. The section requires the Conciliation Commissioner to transmit his report to the Board within the time limited by the terms of his appoinment not exceeding fourteen days or within such longer time as may be unanimously agreed to by all the parties. In his report he is required to set out the matters upon which the parties have agreed and the matters upon which they cannot agree together with his recommendations both on the matters in dispute and on the advisability of appointing a Board of Arbitration.

Section 73 is struck out and a new section is substituted. It provides that where a Conciliation Commissioner is unable to bring about any settlement of the dispute the Board is to consider his report and may recommend to the Minister the appointment of a Board of Arbitration. If, in the opinion of the Minister, a further endeavor should be made to bring about agreement he may appoint a Board of Arbitration consisting of three arbitrators.

Section 80 is amended. Under subsection (2) it is mandatory at present for the award of the Conciliation Commissioner to be retroactive to the date of the application for his appointment or for the intervention of the Minister, as the case may be. The effect of the amendments to subsection (2) is that it is no longer mandatory for the award to be retroactive to the said date and it may be made retroactive to such earlier or later date as may be fixed in the award of the Board. Two new subsections are added to section 80. Subsection (8) provides that if the parties in dispute agree to accept the award of the Board of Arbitration before the award is made, then the award, when made, shall be binding on the parties who shall give effect to it

and include it in a collective agreement without submitting the award to a vote. Subsection (9) provides that after the Board of Arbitration has made its award and the award has ben accepted by the employees by a vote and accepted in writing by the employer, the award shall be binding on the parties and shall be given effect to by having the award included in a collective agreement.

Section 81 is amended. Subsection (1) of that section is amended for purposes of clarification. The amended subsection also authorizes the employer to give effect to a proposed change in wages or hours if he has the consent of the bargaining agent during the time that a strike or lock-out is prohibited. Subsections (4) and (5) of the same section are amended slightly for purposes of clarification.

Section 83 is amended and two new subsections are added to it. When an employee revokes a check-off which he has authorized the revocation is required to be in writing. When a check-off has been authorized the employer is required, at least once each month, to remit the dues deducted to the trade union named, together with a written statement of the name of the employee for whom the deduction was made and the amount of each deduction. The employer is obliged to continue these remissions until the order authorizing the check-off is revoked in writing signed by the employee and delivered to the employer. Upon receipt of a revocation the employer is required to give a copy of it immediately to the trade union concerned.

This Act is to come into force on July 1, 1950.

LAND TITLES ACT AMENDMENT ACT

(Chapter 35)

(Bill 20)

This Act amends *The Land Titles Act*, being chapter 205 of the Revised Statutes of Alberta, 1942.

Section 51(3) is amended to give the court power to modify or discharge a

restrictive covenant or condition running with land if it conflicts with the the provisions of a zoning by-law, official plan or scheme of development under *The Town and Rural Planning Act* and, in the opinion of the court, the modification or discharge is in the public interest.

Section 68 is amended. Subsection (1) is struck out and replaced by two new subsections (1) and (1*a*). This section deals with easements for rights-of-way for railway companies and public utilities. The purpose of the amendment is to make it clear that the grant of the right-of-way may be registered. The subsection is also made applicable to rights-of-way for pipe lines. In other respects the subsection is unchanged. Section 68 is further amended by the addition of a new subsection (2*a*) immediately after subsection (2). This new subsection enables the registration of an instrument mortgaging or charging the right-of-way of the pipe line, public utility or railway company. Thus, if the interest of the debenture holders is secured by a general mortgage or charge on all the assets of such a company this charge could be registered against the company's interest in the lands included in the right-of-way.

Section 20(2) is amended. This is complementary to the amendment to section 68. Section 20(2) presently enables the Registrar to register certain instruments such as caveats, mechanics' liens, etc., without the production of the duplicate certificate of title. The amendment adds to this list of instruments easements and the instruments referred to in section 68, namely, mortgages of a company's interest in a right-of-way.

The amendments to section 68 and to section 20(2) are applicable to such instruments whether they were executed before or after the passing of these amendments.

Section 75(1) is amended by the addition of a new clause immediately after clause (*a*). Section 75 sets out various requirements with which right-of-way plans must necessarily comply. The new clause added provides that

where one copy of a plan in compliance with the section has been deposited, the Registrar, in his discretion, may accept as a duplicate a copy which has been printed or otherwise mechanically reproduced.

A new section 76*a* is added immediately after section 76. This section provides that in the case of right-of-way plans the Registrar, in his discretion, may permit their registration although the titles, margins, certificate forms and other formal portions are printed or otherwise mechanically reproduced. Ordinarily all plans submitted for registration are drawn by a draftsman on tracing linen using black India ink. In the case of a right-of-way covering a considerable distance numerous plans have to be registered which require identical titles, margins, certificate forms and other formal portions. These formal portions can be printed or otherwise reproduced in such a way that they are as permanent and durable as if black India ink had been used. This amendment will expedite construction of rights-of-way by facilitating the preparation and registration of such plans and is made retroactive to the nineteenth day of December, 1949, when such registrations were authorized by order in council subject to ratification by the enactment of this section.

Section 82 (2) is amended. The effect of the amendment is that when a subdivision is registered, the existing certificate of title is cancelled as to the surface only and not as to mines and minerals and the new titles to lots and blocks are issued excepting mines and minerals.

Section 87 is struck out and a new section is substituted. The section presently requires the Registrar to issue to the Crown certificates of title for roads in a subdivision when the plan of subdivision is registered. There does not appear to be any necessity for the issue of certificates of title to such roads when the plan of subdivision itself is registered. This section is amended accordingly. A new subsection (3) is also added to make it clear that the existing title of the owner is not cancelled in respect of minerals. It is the surface

rights only which are subdivided and it is not intended that the Crown should acquire the mineral rights under roadways in a subdivision. This avoids the cutting up of mineral titles to the extent where it is difficult to deal with them.

Section 91 is struck out and a new section is substituted. This section applies to road allowances and public highways outside of subdivisions and it is amended similarly to section 87. The purpose of the amendment is to relieve the Registrar from the duty of issuing titles to road allowances and public highways where the plan of survey of the road has been registered. The issue of certificates of title in such cases appears to be unnecessary. The remainder of the section is reworded slightly for purposes of clarification only.

Section 152 is amended by deleting a reference to Form 36 and Form 36 itself is struck out. This Form set out the dower affidavit required in connection with the transfer or other disposition and it has now been superseded and replaced by the forms and provisions of *The Dower Act, 1948*. The Form and the reference to it in *The Land Titles Act* are accordingly unnecessary and should be deleted.

Section 167*a* and section 189*a* are each struck out and a new section 167*a* is substituted in their stead. Subsection (1) of the new section is practically the same as the former section 167*a* with minor alterations in the wording for purposes of clarification only. Subsections (2), (3), (4), (5) and (6) of the new section are intended to replace the former section 189*a*. Subsection (2) provides that in the case of a disposition of mines and minerals executed after the twenty-ninth day of March, 1949, by which the registered owner of an interest in mines and minerals disposes of all or part of his interest, either party to the disposition may apply to the Registrar for a certificate as to ownership of the interest in mines and minerals. Subsection (3) provides that the Registrar shall make a search and if he finds that at the date of the disposition the person purporting to dispose of the interest in mines and minerals

was the correct registered owner he is required to issue a certificate to that effect in a form provided in the Schedule. Subsection (4) provides that no person shall have an action against the Registrar arising out of a disposition of mines and minerals executed on or after the twenty-ninth of March, 1949, unless the Registrar has issued the mineral certificate provided for in subsection (3). Subsection (5) provides that no disposition of mines and minerals executed on or after the twenty-ninth day of March, 1949, shall be registered except by way of caveat unless it is accompanied by the mineral certificate. Subsection (6) enables the registration of a disposition of the surface including mines and minerals which is not accompanied by a mineral certificate but in such a case subsection (4) is applicable and no action lies against the Registrar until he has issued a mineral certificate. Section 189*a* is repealed retroactively to the twenty-ninth day of March, 1949.

A new section 173*a* is added immediately after section 173. The section provides that where a person has made lasting improvements on land under the belief that the land was his own he is entitled to a lien upon the land to the extent of the amount by which its value has been enhanced by the improvements. The section also provides that such a person may be required or entitled to retain the land if the court is of the opinion or requires that this should be done having regard to what is just under all the circumstances. Where the person who has created the improvements is required to retain the land by the court the compensation payable for the land is to be fixed by the court. In recent years several houses have been built by mistake on the wrong lots. This new section enables the court to deal with such a situation where the parties themselves are unable to agree on a solution.

Forms 22 and 23 in the Schedule are amended to remove the requirement of a signature by the transferee. The transferee makes no covenant in the document and there is no apparent reason for his signature being required so the forms are accordingly amended.

A new Form 37*a* is added in the Schedule being the form of mineral certificate which was provided for in the amended section 167*a*.

This Act came into force on March 21st, 1950, except for those sections where specific provision was made as already indicated.

LEGISLATIVE ASSEMBLY ACT AMENDMENT ACT

(Chapter 36)

(Bill 42)

This Act amends *The Legislative Assembly Act*, being chapter 4 of the Revised Statutes of Alberta, 1942.

Section 2 is amended to increase the number of members of the Legislative Assembly from fifty-seven to sixty-one.

Section 3 is amended by increasing the number of members representing the electoral division of Edmonton from five to seven and by increasing the number of members representing the electoral division of Calgary from five to six.

Section 11 is amended by the addition of a new subsection (4). The section provides that certain contracts with the Crown will disqualify a member of the Legislative Assembly from holding his seat. Subsection (4) adds another exception to this by providing that a member may receive compensation for land taken for a highway if he has owned the land for three years and the compensation is fixed by a district court judge.

Schedule I is struck out and a new Schedule is substituted. This Schedule contains the descriptions of the various electoral divisions in the Province. The number of electoral divisions is increased by one, namely the new electoral division of Bonnyville, which was formerly a portion of the electoral division of St. Paul. The name of the former electoral division of Beaver River has been changed and it will henceforth be known as the electoral division of Lac La Biche. Several adjustments have been made in the bound-

aries of the various electoral divisions which necessitate changes in the decriptions of these divisons as set out in the new Schedule.

Particulars of the nature and extent of the changes in the boundaries of the electoral divisions will be available in the Report of the Committee on Redistribution which will be tabled in the Legislature.

This Act is to come into force on Proclamation, except for the amendment to section 11 which came into force on April 5, 1950.

GOVERNMENT LIQUOR CONTROL ACT OF ALBERTA AMENDMENT ACT

(Chapter 37)

(Bill 72)

This Act amends *The Government Liquor Control Act of Alberta*, being chapter 24 of the Revised Statutes of Alberta, 1942.

Section 2(*v*) which defines the term "residence" is amended. At present the term "residence" as defined does not include a part of a building where a person resides if it is connected with another part of the building used for business purposes by a door or other means of access opening into the part used for business purposes. The purpose of the amendment is to enable the Board to define such a place as a residence notwithstanding the existence of the connecting door.

Section 9 is amended by amending clause (*e*) and by adding a new clause (*ee*). The purpose of the amendments is to enable the Board, with the approval of the Lieutenant Governor in Council, to purchase store or warehouse property if this is necessary or desirable. The liquor boards in other provinces exercise a similar power. At present the Board is only authorized to lease property.

Section 29 is amended. This section deals with the issue of licenses to clubs authorizing the sale of beer. Subsection (2) provides that no such license shall be granted unless the club complies with certain conditions de-

signed to ensure that licenses are issued only to *bona fide* clubs operated for purposes other than the sale of beer. Clause (*b*) and the proviso thereto are struck out and a new clause is substituted. Under the new clause before a license to sell beer can be granted the club must have been in continuous operation as a club for such period as the Board in its discretion may prescribe. A new clause is also added to subsection (2) immediately after the existing clause (*c*). The new condition added is that the club must maintain such recreational facilities for the use of its members as, in the opinion of the Board, are satisfactory and proper.

A new section 31*a* relating to liquor licenses is added immediately after the existing section 31. A club or canteen that has been granted a license for the sale of beer and that operates a dining room for the regular service of meals to its members may apply to the Board for a liquor license. This license will enable the club or canteen to purchase and keep on its premises such quantity of liquor as may be prescribed or allowed by the Board for consumption on those premises by the members and their guests who are not disqualified under any provision of the Act or the regulations. The Board is authorized to make regulations prescribing the type of room or place on the club or canteen premises in which the liquor shall be kept and prescribing the days and hours during which the liquor may be served or consumed and providing for inspection, supervision and control. Such a license is subject to such terms, conditions, limitations and restrictions as may be prescribed by the Board from time to time.

Section 33 is amended. This section provides that no beer license shall be issued to a hotel unless the hotel complies with certain conditions. A new clause is added after clause (*a*) of subsection (1) which requires the hotel to have suitable facilities for the service of meals under the direct control of the applicant unless the Board has exempted the hotel from the requirements of this clause by a notice in writing. A further new clause is added

immediately after clause (*c*) of subsection (1). This adds a new condition requiring the hotel to be equipped with suitable fire escapes and fire exit doors which are fitted to open outwards and furnished with approved panic bolts.

Section 37 is amended. Subsection (1) is amended to make it clear that a beer licensee may only sell beer in closed bottles for consumption off the premises if he is licensed for that type of sales. Subsection (2) presently provides that a person may consume beer in his residence or in his private hotel room. This subsection is also amended to permit the consumption of beer in a person's private compartment or bedroom occupied by him in a train.

Section 38(*a*) is amended. This section presently prescribes the hours during which a hotel with a beer license may sell beer. The section permits beer parlors to be open between the hours of seven in the morning and ten o'clock at night. The amendment changes the hour of opening from seven o'clock in the morning to ten o'clock in the morning.

Section 39(3) is amended. This subsection fixes the fees payable for club licenses to sell beer. The amendment provides that the fee in the case of a golf and country club, irrespective of its membership, will be one hundred dollars. This is the minimum fee as golf clubs are only open for approximately six months and many club members do not patronize the beverage room. Accordingly, a fee based on the total membership of the golf club would not appear to be equitable in comparison with other clubs whose facilities are used the year round.

Sections 45*a* to 45*f* inclusive are added immediately after section 45. These sections provide for the licensing of distilleries within the Province and for their supervision and inspection by the Board. These provisions are similar to those applicable to breweries. A person licensed as a distiller by the Government of Canada may be granted a distiller's license by the Board. Such a license authorizes the licensee to manufacture liquor within the Province and to sell liquor to the Board or to

such persons as the Board may authorize by permit in writing. The distiller may also obtain a permit to import wines and spirits for the sole purpose of blending with and flavouring the liquor manufactured by him.

Section 46 is amended. This section provides that drug stores in localities where there is no liquor store may get a special permit to keep a limited quantity of liquor for medicinal purposes. The amendment increases the present limit of forty ounces to fifty-three ounces so that a druggist who wishes to keep on hand both whisky and brandy may order one twenty-six ounce bottle of each.

Section 55 is amended. The proclamation in connection with the taking of a plebiscite in a local option area is presently required to be posted in every post office. Under Dominion Government regulations permission to post such proclamation may be refused. The section is amended to provide for notice of the proclamation being given by advertising in a newspaper circulating in the local option area.

Sections 60 and 63 are each amended by striking out a reference to British subject and by substituting a reference to Canadian citizen. These sections deal with the right to vote. Voting is a right incidental to citizenship. Persons who are not citizens do not ordinarily enjoy the privilege of the franchise. Every British subject who had a Canadian domicile before June 1946 is a Canadian citizen and every British subject who arrived in Canada from another country after that date may obtain Canadian citizenship after five years' residence. His status as a British subject is not affected by acquiring Canadian citizenship because every Canadian citizen is automatically a British subject.

Sections 70 and 71 are struck out and two new sections are substituted in their stead. The new section 70 provides that in a local option vote the plebiscite will be decided in the affirmative if sixty per cent of the voters vote in favour of the granting of beer licenses. In the case of a plebiscite held in a municipality where beer

licenses have already been granted the plebiscite will not be decided in the negative against beer licenses unless sixty per cent of the voters vote against the granting of such licenses. The new section 71 provides that if sixty per cent or more of the votes are in the affirmative or are in the negative no new petition and vote can be held for a period of two years. If, however, the vote is not decisive and fifty per cent or more but less than sixty per cent of the votes are in the affirmative or are in the negative a new petition may be presented and a new vote may be taken at any time after the expiration of one year. Subsections (3) and (4) of the new section 71 are practically the same as the present section 70(2) and the proviso, slightly reworded for purposes of clarification.

Section 84 is amended. Subsection (1) prohibits a beer licensee or club licensee from receiving anything other than money in payment for liquor supplied. The amendment makes this subsection applicable also to club licensees. A new subsection is added also immediately after subsection (1) which prohibits any beer licensee or club licensee from supplying liquor to any person unless the licensee has first received payment for the liquor in cash.

Two new sections are added immediately after section 84. The effect of the new section 84*a* is that no beer licensee, club licensee or canteen licensee can sell or serve to any person for consumption by him more than two glasses or one open bottle of beer at a time. Before the customer may be served with more beer he must first consume the beer previously served to him. A large number of persons are being sent to gaol on charges of intoxication. In many of these cases the person convicted has been served at one time with several glasses of beer which he has consumed in quick succession. This takes place at any time throughout the day but frequently happens just at closing time. Charges of drunkenness may be reduced in number if customers can only be served with a limited quantity of beer at one time and if they are required to consume that beer before being served again.

The new section 84*b* provides that no licensee or employee of a licensee shall promote the sale of any particular kind, class or brand of beer or liquor.

A new section 89*a* is added immediately after section 89 which prevents clubs from selling beer or liquor on election days and on such other days as the Board may direct.

A new section 90*a* is added immediately after section 90. The section prohibits the issue of a liquor permit to any person under the age of twenty-one years and makes it an offence for such a person to apply for a permit or to enter licensed premises of a beer licensee.

Section 98 is struck out and a new section is substituted in its stead. The section is amended similarly to section 37(2) to permit the consumption of liquor in a person's private compartment or bedroom occupied by him in a train. The offence of illegal possession of liquor is defined with a view to expressing more clearly the present meaning and intention of the section and simplifying the wording of informations laid under it.

A new section 99*a* is added immediately after section 99. This section prohibits the operators of night clubs, cafes, restaurants, dance halls, etc., from allowing their patrons to consume beer or liquor on the premises unless authorized by the provisions of a special permit. The operator of any such premises who permits his patrons to consume beer or liquor and any patron who brings into such a place any beer or liquor contrary to this provision is made guilty of an offence.

Section 100(1)(*b*) is amended. The section presently prohibits canvassing for or soliciting orders for the purchase or sale of beer except in the case of beer proposed to be sold to beer licensees. This exception is no longer necessary or desirable as the Board now sells all beer to licensees. The amendment accordingly strikes out the exception.

A new section 109*a* is added immediately after section 109. This section provides minimum and maximum pen-

alties for violations of the new section 90*a* by issuing a permit to a minor or by a minor entering premises licensed for the sale of beer.

A new section 110*a* is added immediately after section 110 prescribing the penalty which will be incurred by a beer licensee for selling or serving to his customers beer in contravention of the new section 84*a*.

Section 111 is amended by striking out subsection (1) and by substituting a new subsection. This section is the general penalty section which prescribes the penalties for all offences against this Act other than those which are specifically provided for by other sections. The only change effected by this amendment is the removal of the minimum penalty. It is deemed advisable to remove the minimum penalty. This has the effect of leaving to the discretion of the court whatever penalty is appropriate under the circumstances. It is an offence under the Criminal Code to be drunk and disorderly but no minimum penalty is prescribed in the Code for such an offence. It could and frequently did happen that a person who is charged with drunkenness under this Act got a heavier penalty than a person who was charged with being drunk and disorderly under the Criminal Code. Under this section if a person was found guilty even of a comparatively minor offence the court had no alternative but to prescribe the minimum penalty. This amendment accordingly removes the minimum penalty provision.

A new section 127*a* is added immediately after section 127. In a prosecution under this Act this new section enables the production by a policeman of a certificate or report signed and sworn by a member of the Board. Such a certificate is made conclusive evidence of the fact or facts stated in the certificate. This will avoid the necessity of sending members of the Board frequently considerable distances to attend a trial for the purpose of testifying that a person is or is not the holder of a license under the Act and other things of a like nature.

This Act comes into force on July 1, 1950.

LLOYDMINSTER HOSPITAL ACT AMENDMENT ACT

(Chapter 38)

(Bill 13)

This Act amends *The Lloydminster Hospital Act*, being chapter 19 of the Statutes of Alberta, 1948.

Section 9 is amended. This section presently gives the Lloydminster Hospital Board all the rights and privileges conferred upon hospital boards by *The* conferred upon hospitals and hospital amendment makes it clear that the Lloydminster Hospital Board has the powers and duties of other hospitals as well as the rights and privileges. This section should also have contained a reference to *The Municipal Hospitals Act* and this omission is remedied by the present amendment.

This Act came into force on March 31, 1950.

MARGARINE ACT AMENDMENT ACT

(Chapter 39)

(Bill 56)

This Act amends *The Margarine Act*, being chapter 62 of the Statutes of Alberta, 1949.

Section 3(*b*) is amended. This clause presently requires that the wrapper or container of margarine shall have the word "margarine" stamped on the main panel as the most conspicuous word on that panel. The laws of the other provinces relating to margarine do not require that the word "maragarine" be the most conspicuous word on the package. The amendment will bring the Alberta provision into conformity with the corresponding provision in most of the other provinces. The wrapper or container, in which any particular brand of margarine is marketed, is usually the same for all provinces. Frequently the brand name is of approximately the same size and prominence on a container as the word "margarine" and whether it is equally

conspicuous is a difficult matter to determine. The words in question are accordingly struck out.

This Act came into force on April 5, 1950.

MATERNITY HOSPITALIZATION ACT AMENDMENT ACT

(Chapter 40)

(Bill 35)

This Act amends *The Maternity Hospitalization Act,* being chapter 9 of the Statutes of Alberta, 1944.

A new section 5*a* is added immediately after section 5. This section enables the Minister to pay to any woman who receives maternity hospitalization in a hospital situate outside the Province a grant on a *per diem* basis for a period of hospitalization not exceeding twelve days if she complies with the requirements laid down in the section. Pursuant to these requirements she must be entitled to free hospitalization and she must reside in an area where, in the opinion of the Minister, a hospital within the Province is not readily accessible to her. She is also required to submit a receipt from the hospital showing her account as paid in full. The amount of the grant is the same as would have been paid to the hospital within the Province that is nearest to her place of residence if she had been hospitalized in that hospital.

Alberta residents who live in border areas where an Alberta hospital is not readily accessible and consequently receive maternity hospitalization in another province, may now obtain the benefits provided for in this Act by reason of this amendment.

This Act is deemed to have been in force since April 1, 1949.

MINERAL TAXATION ACT, 1947, AMENDMENT ACT

(Chapter 41)

(Bill 25)

This Act amends *The Mineral Taxation Act, 1947,* being chapter 10 of the Statutes of Alberta, 1947.

Section 9 is amended by substituting the words "Chief Assessor" for the word "Assessor" wherever it occurs.

Section 19 requires that the Deputy Minister, upon request, search the assessment or tax roll, and issue tax certificates. The proposed amendment would permit these duties to be performed by other people in the Department to whom they are delegated.

Section 23 is amended. At present the section requires that mineral tax notices be sent out by the Deputy Minister and that he shall within seven days deliver a notification to the Registrar of Land Titles giving the name of the owner of land to whom the notice was sent together with his address and a description of the land. The purpose of the amendment is to permit the notice to be sent also by the Assistant Deputy Minister or Chief Assessor, and to extend the time for sending the notifications to the Registrar of Land Titles from seven days to thirty days.

Section 25 is amended by the addition of a subsection. The purpose is to permit a person who is about to become the owner of a mineral or minerals to transfer them to the Crown and so be relieved of liability for the payment of tax.

This Act is to come into force on July 1, 1950.

MINES AND MINERALS ACT AMENDMENT ACT

(Chapter 42)

(Bill 27)

This Act amends *The Mines and Minerals Act,* being chapter 66 of the Statutes of Alberta, 1949.

The interpretation section, section 2, is amended as to some of the definitions in subsection (1). The definitions of "agreement" and "disposition" are amended to include agreements and dispositions which were made under *The Provincial Lands Act* and the *Dominion Lands Act.* "Lessee" is given a clearer and more concise definition. The definition of "quarry" is changed

to make it more nearly uniform with that in the new *The Quarries Regulation Act*.

Section 5, subsection (2) is amended by changing the reference to *The Oil and Gas Wells Act* and *The Oil and Gas Resources Conservation Act* to the new Act that is substituted for them.

Clause (*b*) of section 19 is amended. At present it provides for disposition by lease where no specific provision is made in the Act. The amendment provides for an agreement rather than a lease.

Section 30(1) is amended. At present it refers to the royalty prescribed by the Lieutenant Governor in Council. In the case of coal, the royalty is fixed in the Act and the amendment makes the section conform with this provision.

Two subsections are added to section 44 dealing with the measurements of locations and claims. In surveyed territory, the statutory road allowances are not included in locations and claims, and the new subsection (2) provides that these road allowances will also be omitted in reference to the maximum dimensions. The new subsection (3) permits the applicant for a location or claim in unsurveyed territory to make provision for what will be statutory road allowances if the area is surveyed, and permits an increase in maximum dimensions and area to allow for these possible road allowances.

Section 45 is struck out and a new section is substituted. At present the section states that a company may not acquire an agreement under the Act unless it is registered under *The Companies Act*. The amendment makes it clear that an unregistered company cannot acquire a part interest in an agreement. The amendment would also prevent an agreement or part of an agreement being held in the name of a partnership, syndicate, or other unincorporated group.

Section 62 is amended to enable any person to stake mine claims of which five may be in his own name.

A new section 64*a* is added to deal with the disposition of iron and other

base minerals. The present provisions provide for disposition of these rights as quartz claims. The amendment would permit the granting of a lease or other agreement to the applicant immediately upon terms and conditions approved by the Lieutenant Governor in Council, but free from the strict limitations of the quartz claim provisions.

That portion of section 81 dealing with issue of a certificate of claim is struck out as it duplicates the following sections.

Section 83, dealing with the duties of an emergency recorder, is amended. Subsection (2) is amended to make it clear that the emergency recorder must deliver the applications in person. Subsection (5) changes the time given the emergency recorder to advise of his appointment from three months to the time allowed for recording a claim and gives him a further fifteen days to file the applications.

Section 86 dealing with issue of a certificate of record of a quartz claim is amended to make it more uniform with placer claim provisions, and to provide that the certificate need not be issued until the expiration of the time allowed for recording the claim and the fee is paid.

Section 92(3) is amended for clarification.

Sections 177 and 182, deal with emergency recorders and certificates of record of placer claims, and are amended in the same way as the corresponding sections dealing with quartz claims.

Section 207(3) is amended for clarification.

Section 233 is amended. Subsection (2) is amended so that a location containing a legal subdivision or a part of a legal subdivision out of a reservation need not be rectangular. A new subsection is added so that if part of a location out of a reservation extends into unsurveyed territory, the area within a mile of a surveyed line may be treated as surveyed.

A new section 250*a* is added. It provides that if a holder of a petroleum

and natural gas lease fails to drill as required, the Minister may extend the time within which drilling is required and may impose conditions and require additional payments.

Sections 256 and 262 are amended to refer to the proposed *The Oil and Gas Resources Conservation Act, 1950,* replacing *The Oil and Gas Wells Act.*

Section 269 is amended to clarify the section and to refer to the new *The Oil and Gas Resources Conservation Act, 1950.*

Section 274 is amended to make it clear that lease locations from Crown reserves may be disposed of on an additional royalty basis.

Section 276, defining terms used in the geophysical exploration Part of the Act, has been amended. The section is rearranged so that the general terms defined will not be restricted in their meaning by the definitions of the more particular terms. Reference is added also to air-borne surveys.

Section 284 is amended. It provides for the posting of a cash deposit by a person seeking a license to conduct geophysical surveys. At present this is required only of those whose place of business is outside the Province, and the amendment would remove this qualification. The amendment provides that if the applicant already has sufficient cash deposited, the further sum may not be required.

Section 286 is amended. This section provides the Lieutenant Governor in Council with general powers to make regulations in connection with Part VII of the Act. The amendment provides specific powers to regulate exploration in water covered areas and methods of geophysical exploration.

This Act came into force on April 1, 1950.

MOTOR VEHICLE ACCIDENT INDEMNITY ACT AMENDMENT ACT

(Chapter 43)

(Bill 81)

This Act amends *The Motor Vehicle Accident Indemnity Act*, being chapter 11 of the statutes of Alberta, 1947.

Section 2(*c*) which defines "motor vehicle" is amended to make the definition correspond to the definition of "motor vehicle" found in *The Vehicles and Highway Traffic Act*. Excluded from the definition are rubber tired tractors and trolley buses.

Section 6*a* is amended by the addition of three new clauses. The section lists the various sets of circumstances under which the Minister may order the release of a motor vehicle from impoundment. The effect of the amendment is to add three more sets of circumstances under which impounded vehicles may be released. The vehicle may be released if it is so badly damaged that it is impractical to repair it so that it can be driven again. It may also be released if the garageman's lien for storage and repairs exceeds the value of the vehicle. It may also be released if it has been seized under an execution issued pursuant to a judgment recovered against the owner in respect of the accident that resulted in the impounding.

Subsection (1) of section 7*a* is struck out and a new subsection is substituted. The subsection presently requires that every statement of claim in an action for damages resulting from bodily injury or death in a motor vehicle accident shall be served upon the Superintendent. The effect of the amendment is to require in addition that statements of claim in an action for damages resulting from damage to property in a motor vehicle accident where the damage exceeds one hundred dollars and the plaintiff has noted the defendant in default should also be served on the Superintendent. The Fund now pays unsatisfied judgments in respect of property damage in excess of one hundred dollars and the Superintendent should be notified of these proceedings where there is any likelihood of a claim being made against the Fund.

Section 8(6) is amended. This subsection presently prescribes the maximum limits for the amounts which the Provincial Treasurer may pay from the Fund. These maximum amounts are reduced by any amount the applicant has recovered from the judgment debtor. The effect of the amendments

is that the maximum amounts shall also be reduced by any amount that has been paid out of the Fund under section 13 to the applicant or to a hospital or a doctor on his behalf. The effect of this is that the total amount that a judgment creditor can obtain from the Fund for hospital expenses under section 13 and for damages under this section is the maximum limit prescribed in this section, namely, five thousand dollars for injury to one person or ten thousand dollars for injuries to two or more persons.

A new section is added immediately after section 8. Section 7*a* provides that certain pleadings and notices shall be served upon the Superintendent. The purpose of these provisions is to give the Superintendent an opportunity to defend in a case where the Fund may become liable to pay a judgment. However, if a judgment is recovered without giving the required notices there is very little to prevent recovery of such a judgment from the Fund. This new section deals with such a case by providing that no such judgment shall be paid out of the Fund without the consent in writing of the Superintendent. If the judgment creditor wishes to obtain payment of the judgment out of the Fund and the Superintendent refuses to consent the judgment creditor may apply by notice of motion to a judge for an order directing that his judgment be set aside. If the judge grants the order the applicant thereupon serves the Superintendent with a copy of the order and the pleadings and then the Superintendent may defend the action in the manner provided in section 7*a*.

Section 13(1) is amended. The effect of the amendment is to place certain limitations on the persons to whom the hospital and medical expenses may be paid out of the Fund. In order to qualify for receipt of hospital or medical expenses under this section the applicant must have been injured in Alberta. The applicant must also either be a resident of the Province or if he is a non-resident he must have been injured through the operation of a motor vehicle registered in the Province. Also, the medical and hospital expenses must have been incurred in

the Province. This makes it clear that the Fund is not intended to protect residents of other jurisdictions who receive hospital or medical treatment elsewhere than in the Province.

Section 13 is amended by the addition of a new subsection (2*a*). This new subsection provides that the maximum amount that may be paid for hospital and medical expenses as a result of injuries to one person in one accident is five thousand dollars.

This Act comes into force on July 1, 1950.

MUNICIPAL HOSPITALS ACT AMENDMENT ACT

(Chapter 44)

(Bill 33)

This Act amends *The Municipal Hospitals Act*, being chapter 185 of the Revised Statutes of Alberta, 1942.

Section 2, clause (*l*), which defines the term "ratepayer" is amended. The effect of the amendment is that a person who pays a business tax is no longer a ratepayer for purposes of this Act.

Section 67(4) is amended to reduce the maximum interest payable on debentures for capital expenditure from eight per cent to six per cent.

Section 74 is amended by the addition of a new subsection (1*a*) immediately following subsection (1). The new subsection provides that where a ratepayer is assessed in respect of property in more than one municipal hospital district he shall be liable to pay the hospital tax levied on his property in each hospital district and he shall not be liable to pay the minimum hospital tax in any district except the district in which he resides.

Form A is amended by deleting references to special areas. These references were struck out of the Act in 1948 but the references in Form A were overlooked at that time.

This Act is to come into force on July 1, 1950.

NURSING SERVICE ACT

(Chapter 45)

(Bill 49)

This is a new Act to be known as *"The Nursing Service Act"*.

The Act enables the Minister of Health to enter into a nursing service agreement with the council of any municipality or with the councils of two or more municipalities jointly for the purpose of providing nursing service of a preventive and emergent treatment nature to persons residing within the boundaries of the area described in the agreement.

The Department and the municipalities share the cost of this nursing service in the proportions set forth in the agreement but the Department's portion cannot exceed sixty per cent of the total cost.

The municipality submits the annual budget of proposed expenditure for the nursing service to the Minister in each year for his approval.

The Department may estimate the Department's portion of the total cost of the nursing service and may pay it to the municipality in four quarterly instalments.

At the end of each year the council submits its financial statement and the Department and the council make the necessary adjustments so that the portion of the cost borne by each is in conformity with the nursing service agreement.

The Minister is authorized to employ such persons as may be required by the Department for the administration of this Act.

The nurses required are appointed by the municipalities subject to the approval of the Minister.

The Lieutenant Governor in Council is authorized to make regulations respecting the nursing service provided pursuant to the nursing service agreement. Regulations may be made prescribing the qualifications of nurses, governing their duties, accommodation,

remuneration and transportation, governing the purchase of drugs, supplies and equipment and prescribing the fees to be charged for services rendered and for drugs and supplies provided.

This Act came into force on April 5, 1950, and is retroactive to January 1, 1950.

OIL AND GAS RESOURCES CONSERVATION ACT, 1950.

(Chapter 46)

(Bill 57)

This is a new Act to be known as "*The Oil and Gas Resources Conservation Act, 1950.*"

The Act amends and consolidates *The Oil and Gas Resources Conservation Act* and *The Oil and Gas Wells Act.* Some of the provisions of the Drilling and Production Regulations established pursuant to the latter Act have been incorporated into this Act. In this note where reference is made to an old section it means a section of *The Oil and Gas Resources Conservation Act.*

The Act includes seven Parts. Part I deals with the organization and constitution of The Petroleum and Natural Gas Conservation Board, Part II with general powers of the Board, Part III with drilling, completion and abandonment of wells, Part IV with oil and gas production, Part V with gathering and disposition of oil and gas, Part VI with taxation to defray part of the Board's expenses and Part VII contains provisions of a general nature.

The Act commences with the usual short title, interpretation, object and application sections which are found in sections 1 to 4.

Part I, dealing with the organization and constitution of the Board, is found in sections 5 to 15 inclusive. These follow old sections 5 to 15, but the provisions of clause (*c*) of old section 15 are transferred to a later part of the Act.

Part II, setting out the general powers of the Board, is found in section 16 which is based on subsection (1) of old section 16.

Part III of the Act, dealing with the drilling, completion and abandonment of wells, is found in sections 17 to 33 inclusive.

Sections 17 to 20 are based on section 7 of the Drilling and Production Regulations and concern drilling licenses. Section 17 prohibits drilling without a license, and sections 18 and 19 deal with the application for license. Section 20 requires the applicant to have the oil or gas rights. Section 21 requires the applicant to show that the proposed drilling will not endanger coal mining operations, and is based on section 24 of the Drilling and Production Regulations.

Section 22, based on section 7, of the Drilling and Production Regulations provides for disposition of an application.

Section 23 provides that a license will not be granted to a company that is not registered under *The Companies Act.*

Sections 24 and 25, also based on section 7 of the Drilling and Production Regulations, require the applicant for a license to post a deposit.

Sections 26 to 29 deal with assignment, cancellation or suspension, amendment and form of license.

Section 30 is based on section 3, subsection (1) of *The Oil and Gas Wells Act* with some changes. It provides for the establishment of drilling regulations.

Section 31 provides for an official Well Name Register. This is at present covered by section 6 of the Drilling and Production Regulations.

Section 32 empowers the Board to act in case of uncontrolled flow of gas, oil or water. This is now dealt with by section 28 of the Drilling and Production Regulations.

Section 33 is based on section 44 of the Drilling and Production Regulations, and provides for permits to operate drilling equipment.

Part IV of the Act, concerning oil and gas production, is found in sections 34 to 38 inclusive.

Section 34 provides for orders and regulations dealing with production of oil and gas. It comes from the old section 16(2) with additions providing for extraction of substances from gas, the disposal of water and the purchase of wells required in carrying out the orders provided for.

Section 35 is the old section 16*h*.

Section 36 is the old section 45.

The provisions of section 37 concerning production reports of wells are similar to the provisions previously contained in section 33 of the Drilling and Production Regulations.

Section 38 deals with the measurement of gas and oil. At present this subject is covered by old section 16*k* and section 34 of the Drilling and Production Regulations.

Part V of the Act is found in sections 39 to 49, inclusive, and is entitled "Transportation and Disposition of Oil and Gas".

These sections are all taken from *The Oil and Gas Resources Conservation Act* and are old sections 16*b*, 16*c*. 16*d*, 16*e*, 16*f*, 16*g*, 16*i*, 16*j*, 16*l*, 16*m*, and 16*n*, in that order.

Part VI, dealing with assessment and taxation of oil and gas properties, is found in sections 50 to 69 inclusive. This is Part III of the present *The Oil and Gas Resources Conservation Act*. Section 59, however, differs from the old section 33. At present the amount to be raised is a sum sufficient to meet the expenditures of the Board under *The Oil and Gas Resources Conservation Act*, and the amendment changes this to a sum sufficient to meet a percentage of the expenditures under the new Act. Also the taxation year under this Part, commencing in 1951, will start on April 1st instead of July 1st as at present.

Part VII, the provisions of general application, is found in sections 70 to 97 inclusive.

Section 70 requires well owners, licensees and permittees to have registered addresses in the Province. At present this matter is dealt with

in old sections 18 and 19 and section 3 of the Drilling and Production Regulations.

Sections 71 and 72 are based on old section 20. Section 70 requires that records be kept by refinery, scrubbing plant and absorption plant operators, and section 71 makes records required by the Act available to the Board.

Section 73 is old section 21 making government information available to the Board.

Section 74, old section 17, provides for formulation of schemes of compensation for those injured by conservation orders.

Sections 75 and 76, provide for schemes to implement orders requiring repressuring, storage of gas or disposal of water.

Sections 77, 78, 79 and 80 dealing with inquiries, procedure and appeals are taken from old sections 43, 15(*c*), 44 and 44*a*. The provisions of section 5 of *The Oil and Gas Wells Act* are also incorporated into section 78.

Section 81 grants the powers to enforce orders now found in old section 46.

Section 82 dealing with Board orders is old section 47.

Section 83, giving the Board access to wells, oil and gas plants, and records, is based on old section 49 and section 5 of the Drilling and Production Regulations.

Sections 84, 85 and 86 are old sections 48, 48*a* and 48*b*, and give the power to require testimony and compel witnesses.

Section 87, being old section 16*a*, prohibits waste.

Sections 88 and 89 deal with offences and penalties, at present found in old sections 50 and 51.

Sections 90, 91 and 92 dealing with revenues from fines and taxes and collection of moneys due to the Board are taken from old sections 52, 53 and 54.

Section 93 is old section 55, and deals with purchase of wells by the Board.

Section 94 is old section 56 and deals with purchase and sale of rights to produce by the Board.

Section 95, concerning the promotion of and assistance to unit operation schemes by the Board is based on section 42 of the drilling and production regulations.

Section 96 repeals the present *The Oil and Gas Resources Conservation Act* and *The Oil and Gas Wells Act*.

Section 97 provides that the Act comes into force on the 1st day of June, 1950.

OLD AGE PENSIONS ACT, ALBERTA AMENDMENT ACT

(Chapter 47)

(Bill 14)

This Act amends *The Old Age Pensions Act, Alberta*, being chapter 269 of the Revised Statutes of Alberta, 1942.

Section 7 is amended by striking out clause (*a*) of subsection (1) and substituting a new clause. Each time the Dominion Government amends the provisions of its *Old Age Pensions Act* a new agreement relating to old age pensions must be executed with each of the provinces. The purpose of this amendment is to enable the Province to enter into any agreement with the Dominion Government which is made necessary by an amendment to *The Old Age Pensions Act*. These agreements may be entered into by the Lieutenant Governor in Council if deemed necessary and proper. Every order in council approving such an agreement is required to be published in *The Alberta Gazette* and to be tabled at the next ensuing session of the Legislature. If the agreement is not disapproved by a resolution of the Legislature it continues in force. This procedure avoids the necessity of making a retroactive amendment to this Act every time there is a variation of the old age pensions agreement.

Section 7*a* is struck out and a new section 7*a* substituted in its stead. The new section validates the agreement between the Dominion of Canada and the

Province of Alberta relating to old age pensions which was authorized by Order in Council 751-49 dated June 16th, 1949.

Schedule A to the Act is struck out and a new Schedule A is substituted which sets out the terms of the agreement between Canada and Alberta which is approved, ratified and confirmed by this amending Act.

Under the new agreement the maximum pension is increased from three hundred and sixty dollars to four hundred and eighty dollars yearly.

This Act came into force on April 5, 1950.

OLD AGE PENSIONS (SUPPLEMENTARY ALLOWANCES) ACT AMENDMENT ACT

(Chapter 48)

(Bill 15)

This Act amends *The Old Age Pensions (Supplementary Allowances) Act*, being chapter 270 of the Revised Statutes of Alberta, 1942.

Section 3 is amended to make it clear that the supplementary allowances payable by the Province to old age pensioners for the period from the first of June, 1949, to the thirty-first of March, 1950, were seven dollars and fifty cents per month, and that thereafter the supplementary allowances payable will be ten dollars per month.

The amendment is retroactive to June 1st, 1949, which was the date upon which payment of supplementary allowances of seven dollars and fifty cents per month was commenced.

OPTOMETRY ACT, 1950

(Chapter 49)

(Bill 62)

This is a new Act to be known as "*The Optometry Act, 1950*" which repeals and replaces *The Optometry Act*, being chapter 296 of the Revised Statutes of Alberta, 1942.

The new Act provides for a Board of Examiners to be appointed by the

Lieutenant Governor in Council instead of by the General Faculty Council of the University of Alberta.

Compulsory membership in the Association is to continue but licenses to practise are to be issued by the Department of the Provincial Secretary instead of by the Association, and are to be issued when the applicant has been registered as a member of the Association after receipt by the Association of a certificate of qualification from the Board.

Sections 4 to 9 deal with The Alberta Optometric Association which is continued as a body corporate and politic under the same name as in the former Act. Membership in the Association is compulsory and the internal management remains as it was under the former Act. A fee not exceeding fifty dollars shall be paid by each applicant for registration or interim registration and the total of the levies, contributions and membership fees required in any one year shall not exceed the sum of fifty dollars for each member.

The holder of a certificate of approval for registration issued by the Board shall, within fourteen days of the filing of the certificate with the registrar of the Association, be granted a certificate of registration by the Association. Provision is also made for the issue of an interim certificate of registration pending examination of the applicant by the Board.

The Lieutenant Governor in Council may appoint a Board of Examiners not exceeding ten in number, one of whom shall be chairman, and the Board shall be responsible for fixing the qualifications of all applicants applying for registration. The duties of the Board shall be to set the examinations or tests for persons applying for certificates of approval for registration. The Board shall determine the course of study to be followed and the subjects of examination to be taken by applicants for admission to practise. The Board may exempt from examination any person who is a graduate of an accredited school or other institute for the training of persons to become optometrists, and who possesses the qualifications required under the Act.

The Board is required to report to the Minister the results of every examination and to file with the Minister a report dealing with the qualifications of applicants exempted from examination under the Act.

Every person registered under the provisions of the former Act shall be entitled to receive from the Association a certificate of registration under this Act. The fees required for the certificates and the licenses are provided for.

Nothing in the Act shall prevent the practise by a retail merchant of optometry at his ordinary place of business or the carrying on therein of an optical department if such practice is in charge of a registered optometrist or a duly qualified medical practitioner; or the selling or offering for sale by a retail merchant at his ordinary place of business of spectacles or eye-glasses; or the provision of a test card or chart, other than a mechanical instrument, for the use of his customers in selecting spectacles or eye-glasses kept for sale by such retail merchant, and a test card or chart may be furnished through the mail. The section also exempts the unrestricted sale of protection glasses for industrial purposes, coloured glasses not embodying any opthalmic lens or lenses, goggles or simple magnifying glasses not sold or devised for the relief or correction of any visual or muscular error or defect of the eye.

A person who is the holder of a certificate or interim certificate of registration, is entitled to receive from the Minister a license or interim license to practise as an optometrist. The license must be displayed in a conspicuous place and may be cancelled or suspended by the Minister if the certificate of registration of the holder of the license has been cancelled, suspended or revoked.

The Act makes it an offence for any person not licensed to practise optometry within the Province. Any person found guilty of an offence against the Act is subject to a penalty not exceeding one hundred dollars for a first offence; not less than one hundred dollars and not exceeding five hundred

dollars for a second offence; and not less than five hundred dollars and not exceeding one thousand dollars, or to imprisonment for a term not exceeding three months or to both fine and imprisonment for any subsequent offence. The onus of proof of registration under the Act is upon the person charged with the offence.

The Provincial Secretary is the Minister charged with the administration of the Act.

This Act is to come into force on July 1, 1950.

ALBERTA PHARMACEUTICAL ASSOCIATION ACT, 1945, AMENDMENT ACT

(Chapter 50)

(Bill 67)

This Act amends *The Alberta Pharmaceutical Association Act, 1945,* being chapter 15 of the Statutes of Alberta, 1945.

Section 5(1) is struck out and three new subsections are substituted. The present subsection provides that the council governing the Pharmaceutical Association shall be composed of seven members. The effect of the amendment is that the number of the councillors may be increased to such larger number as the council, with the approval of the members of the Association in general meeting, may decide upon.

Section 5(3) is amended. If a vacancy ocurs on the council the present section enables the council to appoint a member of the Association to fill the vacancy for the unexpired term. Such an appointment is subject to the approval of the majority of the members of the district eligible to vote and the effect of the amendment to the section is to strike out this requirement.

Section 5(5) is amended slightly for purposes of clarification. The present subsection requires a candidate for councillor to be resident within Alberta. Under the amended subsection a candidate is also required to be a resident of the district of the Province in which he seeks election.

Section 8(1) is amended. This amendment is related to the amendment to section 5(1). The amended subsection provides that there shall be the same number of electoral districts as there are councillors to be elected.

Section 18(3) is amended. The effect of the amendment is that the president and vice-president shall be elected annually rather than holding office for a period of two years as is presently provided.

Two new sections are added immediately following section 27. The new section 27*a* prohibits any person, other than a pharmaceutical chemist or a person duly authorized so to do pursuant to any Act or regulation of the Province, from selling any products for human use which are intended for administration by hypodermic injection into the human body or from selling any article for the prevention of venereal disease.

The new section 27*b* prohibits any person, other than a pharmaceutical chemist, veterinary surgeon, or a person duly authorized so to do pursuant to any Act or regulation of the Province, from selling veterinary biological products for use by hypodermic injection into any animal.

This Act is to come into force on July 1, 1950.

PRIVATE DETECTIVES ACT AMENDMENT ACT

(Chapter 51)

(Bill 22)

This Act amends *The Private Detectives Act,* being chapter 14 of the Statutes of Alberta, 1948.

Section 5 of the Act is amended so that it will refer to applications for the renewal of a license as well as applications for a license.

Section 6 is amended so that where application is made for the renewal of a license it will not be necessary to file a further bond if the existing bond is renewed. Under the Act at present it is necessary for a new and separate bond

to be filed in each license year and it is felt that if the bond filed when the license was first granted is continued in force and effect, the security will be sufficient.

Section 7 of the Act is amended so that it makes reference to a renewal of the license as well as the license itself.

The Act is further amended by the addition of a new section 14*a*. At present there is nothing in the Act to prohibit a private detective from employing as many unlicensed agents as he may wish. The new section 14*a* would prohibit a private detective from employing any agent who is not licensed as such.

This Act is to come into force on July 1, 1950.

PUBLIC HEALTH ACT AMENDMENT ACT

(Chapter 52)

(Bill 61)

This Act amends *The Public Health* Act, being chapter 183 of the Revised Statutes of Alberta, 1942.

Section 7(1) which authorizes the Lieutenant Governor in Council to make regulations is amended by the addition of a new clause immediately after clause (*hh*). The amendment enables the Lieutenant Governor in Council to make regulations governing the terms and conditions under which a grant may be paid to any city or town on account of public health nursing services.

Section 24 is amended by striking out clause (*b*) and by substituting a new clause. The effect of the amendment is that the term "council" is defined as meaning the Minister of Municipal Affairs in so far as special areas are concerned.

Section 25 is amended by striking out subsection (17) and substituting a new subsection. The new subsection provides that the scheme of the health unit may be varied at any time by order of the Minister made upon the recommendation of the Board of the health unit.

This Act came into force on April 5, 1950, and is retroactive to January 1, 1950.

PUBLIC LANDS ACT AMENDMENT ACT

(Chapter 53)

(Bill 78)

This Act amends *The Public Lands Act*, being chapter 81 of the Statutes of Alberta, 1949.

Section 2 of the Act is amended. All Public Lands Agencies except the one situated in Edmonton have been closed and, accordingly, it is necessary to strike out clause (*b*) of section (2) which defines "agent" and to substitute separate definitions for "Public Lands Agencies" and "sub-agent".

The Act is further amended by striking out the word "agent" and by substituting the word "Director" wherever it occurs in the Act. As a result of the closing of all Public Lands Agencies the duties formerly performed by the agents are now the responsibility of the Director of Lands.

Section 3 is amended so that the Act will apply to all lands within the Province where the context so permits.

Subsection (1) of section 5 is amended so that all travelled trails, roads and highways are reserved out of every disposition of Crown lands.

Also, a new subsection (2) is added to clarify the position regarding ownership of lands that comprise the shore or beds of streams, rivers and lakes.

Section 12 is amended by striking out clause (*c*) so that a person who holds a cultivation lease may also apply for a homestead lease.

Section 16 is amended by adding a new subsection (2*a*) which provides that where moneys provided by the Government of Canada under *The Veterans' Land Act, 1942*, have been expended on the cultivation of land forming part of the homestead, such cultivation is to be considered an improvement.

The Act is further amended by adding new sections 16*a* and 16*b*. Section

16*a* fixes the rental payable under a homestead lease at a one-eighth share of the crop with respect to lands required to be broken and seeded to crop.

Section 16*b* fixes the rental payable by a homestead lessee at a one-quarter share of the crop with respect to lands which had been cultivated when the homestead lessee acquired a lease of the lands. This rent is payable for ten years only.

Subsection (1) of section 17 is deleted and new subsections (1), (1*a*) and (1*b*) are substituted. The new subsection (1) provides that no rental is payable under section 16*a* during the first ten years if the area required to be seeded to crop under section 21 does not exceed the area which was under cultivation at the commencement of the lease.

Subsection (1*a*) provides that during the first ten years if the area required to be seeded to crop under section 21 exceeds the area which was under cultivation at the time of the commencement of the lease, the rent prescribed by section 16*a* is payable only in respect of the excess.

Subsection (1*b*) provides that in the case of lands on the cultivation of which moneys provided by the Government of Canada under *The Veterans' Land Act, 1942*, have been expended, no rent shall be paid under section 16*b* for such cultivation. The lessee is already required to pay for such cultivation as an improvement and it would be inequitable to require him to pay for it a second time by rentals under section 16*b*.

The first few words of subsection (2) are deleted which change is necessary by reason of the previous amendments to this section.

New subsections (5) and (6) are added to section 17. Subsection (5) provides that the Minister with the consent of the lessee may rescind any existing lease and issue a new lease. Subsection (6) provides that the duties performed and rents paid under the rescinded lease shall count for obtaining a notification under the new lease.

Section 19 is amended by adding a new subsection (4). It prevents a person from counting as a period of residence the time spent living on a homestead lease when such person is chiefly engaged in an occupation other than farming.

Subsection (5) of section 21 is amended so that the Director of Lands may authorize the counting of any summer fallow as lands seeded to crop.

The Act is further amended by striking out sections 29, 30, 31, 35 and 42. These sections provide a procedure whereby a person who is eligible for a homestead may apply for cancellation of a homestead issued to another person if the applicant knows that such other person is in default. When these sections are struck out cancellation proceedings may only be taken by the Department.

Section 34 is similarly amended by striking out the provisions in the section relating to the taking of proceedings for cancellation of a homestead lease.

Section 43 is amended. A new subsection (1*a*) provides that where a lessee wishes to obtain notification of his land before the expiration of ten years and a portion of the land was under cultivation at the commencement of the lease, he is required to pay such amount as the Minister may fix for the land under cultivation at the commencement of the lease in lieu of the one-quarter crop share payable under section 16*b*.

Section 49 is amended. This section presently refers to section 17. As a result of the earlier amendments to this Act the portion of section 17 to which reference was made has now been changed to sections 16*a* and 16*b* and a corresponding change in the reference is accordingly necessary.

Section 52 is amended to make it possible for a person obtaining a cultivation lease of lands under cultivation to pay for such cultivation in such manner as may be prescribed by the Minister.

Section 54 is amended so that regardless of the date on which a cultivation

lease is or has been entered into the lease and any renewal thereof will be extended so that it terminates at the end of the calendar year.

Section 55 is amended so that regardless of the date of issue of any cultivation lease the rental payable after the first year will be payable in advance on the first day of January of that year. The time for payment is thus extended to the end of the year to coincide with the new term for which the lease will run as provided under the amendment to section 54.

A new section 56*a* is added so that the Minister may permit the holder of a cultivation lease to cut natural hay on the lands leased by him.

Section 59 is amended by reducing the required age of an applicant for a grazing lease from twenty-one to eighteen years.

Section 61 is amended to describe the moneys payable upon the filing of an application for a grazing lease as a "deposit" and not as a "fee".

Section 63 is amended so that notwithstanding the provisions of any grazing lease, payment of the rental is required on or before February 1st in each year.

Section 68 is amended. A new subsection (1*a*) enables the Minister to authorize a lessee of a grazing lease to cultivate, seed to grass or otherwise reclaim land where such is necessary for the purpose of conservation or weed control.

Section 86 is amended so that instead of the rental for any land which is leased by the holder of a grazing lease for his residence being twenty-four dollars, the rental will be the amount prescribed in the lease at the time of making the lease.

Section 110 is amended. A new clause is added to authorize the Minister to sell lands on such terms as he considers reasonable when required for a reservoir, church, cemetery, hospital or other public purposes, or for a right-of-way.

Section 112 is amended by substituting a new clause (*a*) in subsection (1) which restricts the power of the Minister to grant land by way of gift to boards of school districts or divisions to cases where the districts or divisions are situated in rural areas. The amount of land which may be granted for such purposes is increased from four to six acres.

Section 113 is amended. Subclause (v) of clause (*a*) is amended so that the Lieutenant Governor in Council may by regulation fix the price to be paid by pipe line companies for public lands required for pipe lines.

A further amendment to clause (*a*) is the addition of a new subclause (x) by which the Lieutenant Governor in Council is authorized to make regulations governing entry upon public lands for geophysical or geological exploration.

A third amendment is the addition of a new clause (*q*) which authorizes the Minister to lease or transfer to Canada lands required by Canada for use as an experimental station or purposes connected therewith upon such terms and conditions as the Lieutenant Governor in Council may prescribe.

Section 118 is amended. A new clause (*f*) enables the Minister from time to time to close to any specified type of traffic, any road through public lands held by any person under license of occupation.

Section 128 is struck out and a new section 128 substituted. The new section authorizes the Minister to follow and seize, wherever it may be, any grain grown upon public lands if default is made in payment of the Crown's share of the grain and to immediately store and sell such grain.

The Act is further amended by the addition of two new sections, 128*a* and 128*b*. Section 128*a* authorizes the Minister to fix rental and collect the same as a debt due to the Crown with respect to any public lands where any person uses such lands without authority.

Section 128*b* authorizes the Minister to seize any live stock found grazing

on public lands which are not leased at the time and if the owner fails to pay the rentals prescribed by the Minister for the unauthorized use of the lands, the Minister may sell the live stock seized and apply the proceeds in payment of the prescribed rental.

A new section 148*a* is added which provides that no action shall lie against any person for anything done by him in the performance of duties assigned to him under this Act.

A new Form B is added to the Act, The Form B is the Notice of Seizure to be used under section 128 where grain which has been grown on public lands has been seized by the Minister.

This Act came into force on April 5, 1950.

PUBLIC LIBRARIES ACT AMENDMENT ACT

(Chapter 54)

(Bill 46)

This Act amends *The Public Libraries Act,* being chapter 13 of the Statutes of Alberta, 1948.

Subsection (3) of section 36 is amended by increasing the maximum grant from three hundred dollars to five hundred dollars in any one year which the Minister may pay to a municipal public library or a regional public library for the purchase of books on a dollar-for-dollar basis.

Section 38, relating to grants by the Minister to association public libraries, is amended. The effect of the amendment is to limit to three hundred dollars the amount which the Minister may grant to each association public library by way of a book grant on the same dollar-for dollar basis as pertains to municipal public libraries or regional public libraries. The Minister may also make a reading room grant to each association public library on the same scale as that payable to municipal public libraries or regional public libraries.

This Act is to come into force on July 1, 1950.

PUBLIC SERVICE VEHICLES ACT AMENDMENT ACT

(Chapter 55)

(Bill 55)

This Act amends *The Public Service Vehicles Act*, being chapter 276 of the Revised Statutes of Alberta, 1942.

Section 65 of the Act is amended. The new subsections (4), (5) and (6) are added for the purpose of increasing the penalties which may be imposed for violations of the Act and regulations with respect to speeding and overloading of vehicles because it has been found that the present penalties are not sufficiently great to discourage infractions of the Act and regulations.

This Act is to come into force on July 1, 1950.

PUBLIC TRUSTEE ACT AMENDMENT ACT

(Chapter 56)

(Bill 47)

This Act amends *The Public Trustee Act*, being chapter 85 of the Statutes of Alberta, 1949.

Section 6(1) is amended. This subsection provides for notice to the Public Trustee of applications for probate, etc., in an estate where an infant is interested. The amendment makes it clear that the notice will go to the Public Trustee where a person who was an infant at the date of the death is interested.

Section 30 (6) is struck out and a new subsection is substituted. The subsection is reworded for purposes of clarification only. If any investment in the common fund is sold at a profit the surplus is to be paid into a special reserve fund. This will only be done, however, if the aggregate market value of the investments in the common fund is equal to or greater than the aggregate amount of money invested therein.

Section 36 (1) is amended to make it clear that the subsection is applicable only to the estates of mentally incompetent persons. The estates of other

persons are still to be subject to the provisions of *The Ultimate Heir Act.*

This Act came into force on March 31, 1950.

PUBLIC WORKS ACT AMENDMENT ACT

(Chapter 57)

(Bill 54)

This Act amends *The Public Works Act,* being chapter 73 of the Revised Statutes of Alberta, 1942.

Section 19 of the Act is amended to remove the exceptions from the general rule that all lands taken for any public work are required to be surveyed and marked on the ground by a duly qualified surveyor or engineer who shall prepare a proper plan. The exceptions are moved to section 21(2) where they more properly belong.

Section 21(2) is amended to make it clear that no new survey or plan need be made under the provisions of section 19 where the land required for the public work has previously been registered in the Land Titles Office under the provisions of *The Land Titles Act.*

Section 22 is struck out and a new section is substituted. At present the Minister may pay compensation for land taken for a public work, but there is no statutory authority enabling him to pay compensation for damage to any land caused during the construction of the public work. By Order in Council No. 633-49 dated the twenty-third day of May, 1949, the Minister was authorized to offer and pay such compensation, subject to a retroactive amendment being made to the Act at this session of the Legislature. Section 22 is accordingly amended to give effect thereto.

Section 23 is amended to make it clear that any person claiming that land in which he had a registered interest was damaged during the construction of any public work, may reject the offer of compensation made by the Minister, and may claim increased compensation. At present only those whose lands are taken for a public work may claim increased compensation.

The Act came into force on April 5, 1950, and the amendments to sections 22 and 23 are retroactive to the twenty-third day of May, 1949, which was the date of Order in Council No. 633-49 above referred to.

QUARRIES REGULATION ACT

(Chapter 58)

(Bill 26)

This is a new Act to be known as *"The Quarries Regulation Act"*.

The Act provides for the regulation and inspection of quarries in the Province in the interest of the safety of the workmen and those in the neighborhood of quarries.

The Act commences with the usual short title, interpretation and application sections which are found in sections 1 to 3.

Section 4 grants the power to make regulations. Subsection (1) provides for regulations to effect the general purpose of the Act and subsection (2) provides for regulations dealing with explosives, precautionary measures, accumulations of gas or water, unsanitary conditions, qualification of supervisors, and abandonment of quarries.

Section 5 provides for quarries inspectors.

Section 6 provides for permits to operate quarries.

Section 7 requires that changes in management be reported.

Sections 8 and 9 require quarry operators to admit inspectors and comply with their directions.

Section 10 provides for annual returns.

Section 11 requires the reporting of serious accidents.

Section 12 deals with suspension of permits for cause.

Section 13 is the penalty section.

This Act is to come into force on July 1, 1950.

REAL ESTATE AGENTS' LICENSING ACT AMENDMENT ACT

(Chapter 59)

(Bill 30)

This Act amends *The Real Estate Agents' Licensing Act,* being chapter 15 of the Statutes of Alberta, 1947.

Section 7 of the Act is amended. This amendment is designed to enable a renewal of a bond to be filed with an application for a renewal of a license. As the Act now stands, by virtue of the provisions of section 7 and section 12, a new bond is required to be filed each year.

Section 12 is amended. Under the present section 12 forfeiture of the bond is automatic if a person covered by the bond is convicted of an offence against this Act. Many of these offences are comparatively minor, such as failure to renew a license on time. Under the proposed amendment the bond would only be forfeited for a more serious offence involving fraud or theft or where proceedings have been taken in bankruptcy.

This Act is to come into force on July 1, 1950.

REGISTRATION OF ASSIGNMENTS OF CROWN LANDS ACT AMENDMENT ACT

(Chapter 60)

(Bill 80)

This Act amends *The Registration of Assignments of Crown Lands Act,* being chapter 88 of the Statutes of Alberta, 1949.

Section 3(1) is amended to make it clear, in the case of an interest in lands or minerals acquired from the Crown, that an assignment of that interest can only be registered under this Act if the assignor is not prohibited from assigning by the provisions of any Act or regulation or by the terms of his agreement of sale, lease, license, permit, conveyance or other instrument.

Section 4, which provides for the payment of a tax to the Minister upon the

registration of an assignment, is amended. The effect of the amendment is to exempt from the application of the section assignments of grazing leases, grazing permits, timber licenses or timber permits.

This Act came into force on April 5, 1950.

RENTAL CONTROL ACT

(Chapter 61)

(Bill 21)

This is a new Act to be known as *"The Rental Control Act"*.

The Act applies to all accommodation that is subject to rental control under the Dominion Government War-time Prices and Trade Board regulations and orders on the date on which this Act comes into force and to all accommodation that is made subject to the Act by order in council. It does not apply to new construction or to accommodation which already has been decontrolled or to accommodation which is decontrolled by order in council.

Provision is made for the constitution of a Rental Control Board consisting of such number of members as may be appointed by the Lieutenant Governor in Council. The Lieutenant Governor in Council may prescribe the remuneration and fix the duties of members of the Board and appoint such officers, clerks and servants as the Board may require.

The Lieutenant Governor in Council may also appoint for any designated area one or more advisory committees for the purpose of advising and co-operating with the Board in the administration of the Act within the designated area.

Any member of the Board is empowered to act on behalf of the Board.

The Board and any person authorized by the Board in writing is given all the powers of a commissioner appointed under the provisions of *The Public Inquiries Act* and may take the evidence of landlords and tenants and other persons on oath.

The rent payable for accommodation subject to the provisions of this Act cannot be changed unless the landlord and tenant agree on the change or the Board fixes a just and reasonable rent pursuant to the provisions of this Act.

In any case where the landlord and tenant are unable to agree on a change in the rental either of the parties may refer the matter to the Board. The Board is authorized to act as an intermediary in the negotiations between the landlord and tenant and to arrange meetings between the parties in an endeavour to bring about an amicable agreement on the rent. The Board may also advise and assist landlords and tenants in determining the fair actual value of accommodation and in fixing a just and reasonable rent.

If the parties, after receiving the advice and assistance of the Board, are unable to agree the Board may fix an amount of rent which in its opinion is just and reasonable.

In calculating a just and reasonable rent the Board is authorized to approve an amount which in its opinion takes into account and makes due allowance to the landlord for a number of costs and expenses which are listed as well as providing the landlord with a fair return on his investment. The items which the Board may take into account include taxes, insurance, expenditures for repairs, depreciation not exceeding five per cent, cost of administration, a fair return to the landlord on his investment and such other matters as the Board deems reasonable and proper. The percentage allowed for depreciation is to be based on the fair actual value of the accommodation as determined by the Board. In determining the fair actual value of the accommodation the Board may consider cost of construction, sale price and other factors but it is not bound thereby and is directed to use its discretion in fixing the value at an amount which is deemed reasonable and proper.

When the Board has fixed an amount of rent which it finds just and reasonable for any accommodation the landlord may demand from the tenant any rent not exceeding the amount fixed by the Board and the landlord is pro-

hibited from demanding or accepting any rent in excess of the amount fixed by the Board from the tenant in possession. The Board may review any order fixing an amount of rent if so requested by either party after the expiration of six months from the date of making the order.

Provision is made that no tenant may be evicted unless conditions exist which are set out in detail in the Act or unless the landlord obtains from the Board a certificate authorizing him to take proceedings for the recovery of possession.

The landlord is entitled to recover possession of the accommodation in accordance with the law of the Province if the tenant is in default of payment of rent, is breaking any material provision of his lease, is the landlord's employee, servant or agent, has refused to pay an increased rental fixed by the Board, etc. These circumstances under which the landlord can recover possession are practically identical with the corresponding provisions under the Dominion regulations.

The Board is empowered to grant a certificate authorizing the landlord to take proceedings for the recovery of possession if, having regard to all the circumstances of the case, it is of the opinion that it is just and reasonable so to do. Without restricting this broad discretion of the Board a number of factors are listed which the Board may take into consideration when considering an application for such a certificate. These include such matters as whether the tenant has failed to take reasonable care of the property or has been obnoxious, destructive or objectionable or has caused annoyance or inconvenience to other occupants. The Board may also consider whether the landlord requires the property for his own use and will undertake not to rent or sell it for a period of twelve months. When the Board has granted a certificate authorizing proceedings for the recovery of possession the landlord may proceed in accordance with the law of the Province.

Any accommodation becoming vacant after this Act comes into force is automatically decontrolled.

The Act makes it an offence for any person to rent property at a rental higher than that authorized under the provisions of the Act. It is also an offence for a tenant to pay more rent than is authorized under the Act. Any conspiracy to defeat the provisions of the Act or any misrepresentation or false statement made to the Board constitutes an offence.

Any person found guilty of an offence against the Act is subject to a penalty not exceeding five thousand dollars or to a term of imprisonment not exceeding two years. No prosecution can be instituted except with the written consent of the Board or of the Attorney General. Every prosecution must be commenced within twelve months from the time of the commission of the offence.

Provision is made for the admission into evidence of documents purporting to be signed by the Board.

The Lieutenant Governor in Council is authorized to bring any accommodation other than new construction under control and is also authorized to decontrol any accommodation.

The Lieutenant Governor in Council is authorized to make rules and regulations prescribing forms, fixing fees and doing anything else that is deemed necessary to facilitate the carrying out of the general intent, purpose and object of the Act.

The Minister of Economic Affairs is the Minister in charge of the administration of the Act.

This Act is to come into force upon Proclamation.

RESEARCH COUNCIL ACT AMENDMENT ACT

(Chapter 62)

(Bill 73)

This Act amends *The Research Council Act,* being chapter 182 of the Revised Statutes of Alberta, 1942.

Section 4(2) is struck out and a new subsection is substituted. The present subsection provides that the President of the University of Alberta shall act

as Director of Research for the Council. The new subsection provides that the Lieutenant Governor in Council shall appoint a Director of Research who shall be a member of the Research Council and who may be paid such remuneration as may be fixed by the Lieutenant Governor in Council.

Section 7 is amended. The section presently provides that no member of the Council shall receive any payment for his services. The effect of the amendment is to except the Director of Research from this provision. The effect of these two amendments is to enable the employment of a full-time Director of Research.

This Act is to come into force on July 1, 1950.

SALE OF GOODS ACT AMENDMENT ACT

(Chapter 63)

(Bill 43)

This Act amends *The Sale of Goods Act*, being chapter 228 of the Revised Statutes of Alberta, 1942.

Section 26 is amended by striking out subsection (2). The law in Canada and the common law of England both provide in the case of property which is stolen and disposed of by a thief that if it is recovered it shall be returned to its original rightful owner. This law was changed in Alberta in 1948 in so far as cattle, sheep and swine are concerned by an amendment which added subsection (2) to section 26 of this Act. As a result of the amendment if a farmer had his cattle, sheep or swine stolen and sold they would not be returned when they were recovered to the farmer who was the original rightful owner in accordance with the usual law but would remain the property of the purchaser from the thief. This has rendered law enforcement more difficult because an unscrupulous buyer has no hesitation in buying from a thief as he gets good title so long as he doesn't inquire and obtain actual knowledge that the stock was stolen. If one of two innocent persons had to suffer loss by reason of the actions of the thief the effect of the 1948 amend-

ment was to transfer the loss from the purchaser and to impose it upon the farmer who owned the stock thereby protecting the purchaser from the thief. Normally the purchaser would have the best opportunity of protecting himself against a loss of this kind by making genuine inquiries as to the identity and title of the vendor of the stock. The amendment removed the incentive to inquire as it provided that the purchaser would get good title so long as he had no actual knowledge that the property was stolen. The purchasers protected by the amendment were live stock shipping and live stock marketing organizations which are better able to stand a loss of this nature than the individual farmer because only a few losses would occur in a comparatively large number of transactions. It might also be possible for such organizations to insure against a loss of this nature whereas this is less practicable for an individual farmer. In addition to the above the amendment has been criticized as being discriminatory in that it protects live stock marketing and shipping organizations but does not extend the protection to packing plants and individual dealers who are faced with similar problems. By repealing this subsection the ordinary law relating to all other types of property again becomes applicable.

This Act came into force on April 5, 1950.

SCHOOL ACT AMENDMENT ACT

(Chapter 64)

(Bill 70)

This Act amends *The School Act*, being chapter 175 of the Revised Statutes of Alberta, 1942.

Section 2 of the Act is amended. The definition of "elector" in an established district other than a town district is extended to include any resident who has paid school taxes either to a municipality or to a school district. The amendment is rendered necessary by the fact that the tax for school purposes is usually collected now by a municipality and not by a school district.

A new clause (*ll*) adds a definition of the word "resident" to section 2 of the Act.

The definition of "school building" is extended to include any building which may be owned or occupied solely or jointly with a municipality or another school district or school division. This amendment is rendered necessary by proposed amendments to sections 127 and 275 which would authorize town school districts and divisions to enter into agreements to construct buildings for the joint use of the division and the municipality or district.

Section 3 is amended by including persons holding land under homestead, cultivation or grazing leases in clause (*b*) of subsection (1) so that school districts may be formed in areas occupied by persons holding lands under such leases.

Section 38 is amended to provide that the poll taken in a proposed school district shall be by secret ballot.

Section 65 is amended so that notwithstanding the provisions of any special Act or charter, the constitution of a board of trustees in a town district situated wholly or in part within a city will be governed by this Act.

Section 73 is amended to increase from one hundred dollars to one hundred and fifty dollars the value of goods which a trustee who is a merchant may sell to the board in any one year.

Section 127 is amended. A new clause (*ff*) which would authorize boards to form co-operative associations for the purpose of buying school supplies co-operatively is added to subsection (1).

A new clause (*f*) which authorizes the board of a town district to join with a municipality or a school division in the construction and ownership of buildings to be used by them jointly is added to subsection (2).

A new section 135*a* is added to the Act. The new section will prohibit any secretary-treasurer or employee of the board from entering into any contracts for services or for the sale of goods to the board, other than contracts for ser-

vices and goods of not greater value than one hundred and fifty dollars in any one year.

Section 136 is amended to increase the fees payable for an audit in school districts, and by striking out clause (*c*) which relates to the audit of books in consolidated school districts.

Section 142 is amended to enable a divisional board under subsection (2) to acquire sites for dormitories for the use of the division. This amendment would enable the board to acquire such sites by compulsory acquisition under section 143.

Section 169*a* is amended so that it is no longer possible for a board to transfer a teacher who has been designated to be a principal, vice-principal or assistant principal from one school to another or from one room to another on seven days' notice.

Section 178 is amended so that in computing the number of teachers employed by a school under that section, teachers who do not teach at least two and one-half days per week will not be counted.

Section 190 is amended by limiting its provisions to districts other than town school districts because special provisions for the conduct of a poll in a town school district are set out in subsection (2) of section 188.

Section 208 is amended. As subsection (2) now reads all debenture payments must be of the same amount. The amendment would permit a variation in these payments of not more than one thousand dollars.

A new section 211 is added. The new section sets out the powers of the Minister when selling the debentures of a school district or division as agent for the school district or division under section 11 of *The Department of Education Act*.

Section 215 is amended. The costs of education have increased very considerably since the fees presently set out in section 215 were prescribed and the amending section sets out the increased fees payable under the various subsections of section 215.

Section 253 is amended to make it clear that the annual meeting of the electors may be held either on or before the fifteenth day of December.

Section 257 is amended. A new subsection (7) provides for the method of notification of the date of holding the poll, similar to that followed in the notification of the annual meetings under section 253, and permits this to be done without the necessity of the returning officer employing the secretary of the school district whose services are often not available.

Subsection (9) of section 257 is deleted because the new subsection (7) has rendered it unnecessary. The provisions contained in subsection (9) are likewise contained in section 253 and subsection (7) now refers to the provisions in section 253.

Section 263 is amended by prescribing in subsection (1) the date from which a trustee's term of office will be computed.

Section 266 is amended. It has been found that the period of twenty days prescribed by the present section is sometimes insufficient time after an election in which to hold the organization meeting because of inclement or severe weather. Accordingly the section has been amended to provide that the organization meeting must be held on or before the tenth day of February in each year.

Section 273a is amended. Occasionally a school of a district is closed and the children of the district must attend the school of a nearby district and in such case the Minister is empowered to order that the electors of the district whose school is closed, shall be deemed to be the electors of the nearby district. A new subsection (3) provides that the Minister by order may increase the number of trustees of the district whose school is being attended by such children beyond the maximum number of five because occasionally such centralization involves more than five districts and it is desired to provide for the representation of each district on the board of the district whose school is functioning.

Section 274 is amended. The present subsection (2) provides that where a district desires religious instruction in its schools its board must advise the divisional board of the resolution to that effect and transmit to the divisional board the nomination of a teacher for the school. The nomination must be submitted to the divisional board "not later than three weeks prior to commencement of the December term". It is felt that this phrase is ambiguous. The substitution of the words "on or before the first day of August" remedies this defect.

Subsection (3) is amended in identically the same manner for the same purpose.

Section 275 is amended. A new clause (*kk*) is added which authorizes divisional boards to form co-operative associations for the purpose of purchasing school supplies.

Clause (*l*) provides, among other things, that the honorarium of a secretary-treasurer of a town school district shall be twenty-five dollars and the clause is amended to that this honorarium may likewise be paid to the secretary-treasurer where two or more districts have combined under section 273*a*.

A new clause (*w*) is added which enables school divisions to co-operate with municipalities, town districts or other divisions in constructing and maintaining office buildings.

Section 289 is deleted and a new section substituted. Now the proper officer of the municipality must certify in writing under his hand to the secretary of the divisional board the total assessed value of all lands, buildings, improvements and personal property within the municipality and within the school district. Under the amended section, in case the municipality is assessed on a different index of value from that used in other municipalities within the division, he may certify such amount as may be determined by the Director of Assessments under the provisions of subsection (2) of section 7 of *The Assessment Act*.

Section 296 is amended by striking out the proviso to subsection (3).

Amendments to *The Municipal District Act* have nullified the effect of the proviso and as long as the provision of the proviso remains in the Act the boards of school divisions are unable to obtain permission from the Minister to bring action against municipal districts which have defaulted in the payment of the requisition of the school division.

Form G in the Schedule to the Act is amended by substituting the fifteenth day of June for the twentieth day of June. The necessity for this amendment is brought about by the amendment in 1949 of section 167 which changed the date therein referred to from the twentieth day of June to the fifteenth day of June.

This Act comes into force on July 1, 1950, except for the amendment to section 289 which is retroactive to December 31, 1949.

SCHOOL BORROWING ASSISTANCE ACT

(Chapter 65)

(Bill 83)

This is a new Act to be known as *"The School Borrowing Assistance Act"*.

The Act provides assistance in connection with school borrowing for capital purposes in two different ways. Firstly, a School Borrowing Revolving Fund is set up which may pay twenty-five per cent of the authorized borrowing to the school division. Only half of that amount is repayable to the Fund and no interest is payable on it. Secondly, it authorizes the Province to guarantee interest payments in respect of moneys borrowed by schools from sources other than the Province.

Part I of this Act, consisting of sections 3 to 12 inclusive, contains the provisions relating to the School Borrowing Revolving Fund.

A School Borrowing Revolving Fund is set up. This Fund is to be administered by a School Borrowing Board consisting of three members appointed by the Lieutenant Governor in Council. The Board consists of a mem-

ber from the Department of Education, a member from the Department of the Provincial Treasurer and a member of the Board of Public Utility Commissioners.

When a school division wishes to borrow by debenture and to take advantage of the provisions of this Act it is required to make application to the Board for assistance. The school division must give the Board such information as the Board may require including evidence of the necessity of the proposed construction and particulars of its financing. If the Board is satisfied it may approve borrowing by the school division. The approval of the Board empowers the division to divide the borrowing and to obtain one portion pursuant to the provisions of Part I and to obtain all or part of the balance pursuant to the provisions of Part II.

The Provincial Treasurer, on the recommendation of the Board, may pay to the school division from the Fund an amount not exceeding twenty-five per cent of the authorized borrowing. The school division is required to repay to the Fund only half the amount received from the Fund and no interest is payable on this sum. Repayment is to be made in ten equal annual instalments commencing on a date to be fixed by the Board.

All payments of principal made by any school division are credited to the Fund so that the moneys will be available for payment out again to other divisions.

When a school division wishes to borrow by short term borrowing from a bank or treasury branch and also wishes to take advantage of this Act, it may apply to the Board for assistance. The provisions of Part I apply to such borrowing. The only difference is that the portion of such borrowing not obtained from the Fund may be borrowed from the bank or treasury branch rather than by debenture.

If a school fails to pay any money due to the Fund the amount in default may be deducted from the school grant payable to that school.

The aggregate amount of all moneys repayable to the Fund at any one time cannot exceed six million dollars. The aggregate amount repayable by any school division to the Fund at any one time cannot exceed the sum of one million dollars.

Part II of the Act, being sections 13 to 15 inclusive, deals with provincial guarantees of interest. This part authorizes the Provincial Treasurer, on the recommendation of the Board, to guarantee on behalf of the Province the payment of interest on all borrowings by debenture obtained from any source other than the Fund. If the Province incurs any liability by reason of its guarantee of the payments of interest on school borrowings the amount for which the Province has become liable may be deducted from the school grant payable to the school in question.

Part III, consisting of sections 16 to 18 inclusive, deals with outstanding borrowings by debenture which have been completed before this Act comes into force. A school division which has outstanding unpaid debentures may make application to the Board for assistance. The division is required to give to the Board such information as the Board may require.

The Board, in its discretion, may approve the borrowing. Thereafter, if the school division submits proof to the Provincial Treasurer in each year that it has paid all outstanding debentures of the school division falling due in that year the Provincial Treasurer, on the recommendation of the Board, may pay a grant to the school division from the Fund not exceeding twelve and one-half per cent of the amount paid by the division to retire debentures due in that year.

This has the effect of placing school divisions which have already borrowed by debenture for capital purposes in somewhat the same position as school divisions which are about to borrow. In either case, over a period of years, they will receive an amount equivalent to twelve and one-half per cent of their borrowings by way of a grant from the provincial government.

This Act came into force on April 5, 1950.

SCHOOL TAXATION ACT AMENDMENT ACT

(Chapter 66)

(Bill 71)

This Act amends *The School Taxation Act*, being chapter 176 of the Revised Statutes of Alberta, 1942.

Section 28(3) of the Act is amended. As a result of the revision of assessments which is being carried out under *The Assessment Act* in municipalities throughout the Province and which is at present incomplete, property in some municipalities is assessed on a different index of value from that used in municipalities which have not been reassessed. As the assessment is the basis for school requisitions, the Director of Assessments is being empowered to vary the amount of the total assessed value which the municipality is required to report to the board, for the purpose of equitably apportioning the requisitions which will be made upon municipalities within the district. Accordingly *The School Taxation Act* is amended to provide that the certificate from the municipality shall show the total assessed value of lands, buildings and improvements, or such amount in lieu thereof as may be determined by the Director of Assessments.

This Act came into force on April 5, 1950, and is retroactive to December 31, 1949.

SELF-LIQUIDATING PROJECTS ACT

(Chapter 67)

(Bill 84)

This is a new Act to be known as *"The Self-Liquidating Projects Act"*.

The purpose of the Act is to enable the Government to make advances to municipalities for self-liquidating projects. A self-liquidating project is a project which will result in an increase in the annual net revenue of a municipality sufficient to pay the annual charges for interest on and amortization of the loan to be made by the Minister.

The Minister, with the approval of the Lieutenant Governor in Council, is authorized to enter an agreement with any municipality to loan to that municipality the whole or any part of the cost of a self-liquidating project such as a water works system, a gas plant, an electric light system, etc. The municipality is required to submit detailed financial estimates demonstrating that the project will be a self-liquidating one and must also show that the project is necessary or advisable in the public interest. The Minister is authorized to obtain the opinion, advice and recommendations of the Board of Public Utility Commissioners regarding any proposed agreement or as to whether any project will be self-liquidating.

The rate of interest on such loans is fixed at two per cent per annum. The loan must be repaid during a period to be fixed by the Lieutenant Governor in Council which period shall not be longer than the estimated useful life of the project.

As security for the loan the municipality is required to deliver debentures or other securities to the Minister equal in principal amount to the amount of the loan and may also be required to give a first mortgage or other charge on the project.

The aggregate principal amount of all loans made under the Act shall not exceed five million dollars. The maximum amount of all loans to any one municipality may be fixed by the Lieutenant Governor in Council.

The employment of staff to administer the Act is authorized and the Lieutenant Governor in Council is also authorized to make regulations.

The Act provides that any municipality may borrow money for a self-liquidating project pursuant to the provisions of this Act irrespective of whether or not it is authorized to borrow for such a purpose by the provisions of any other Act.

The Minister is required to make an annual report to the Legislature of loans made under the provisions of this Act.

This Act came into force on April 5, 1950.

ST. MARY AND MILK RIVERS DEVELOPMENT ACT, 1950.

(Chapter 68)

(Bill 51)

This is a new Act to be known as *"The St. Mary and Milk Rivers Development Act, 1950"*, which repeals and replaces *The St. Mary and Milk Rivers Development Act*, being chapter 5 of the Statutes of Alberta, 1946.

The provisions of the former Act are re-enacted in this Act with only minor modifications. The majority of the Act, however, consists of new provisions relating to the management and operation of the project in a manner similar to other irrigation districts and providing a colonization manager to handle the colonization and administration of the land. It appeared desirable that all the legislation on this subject should be consolidated into one Act.

The Act is divided into two Parts. Part I re-enacts, with minor changes the provisions of Chapter 5 of 1946 and also includes the new provisions dealing with the management and operation of the irrigation project. Part II provides for the incorporation of a colonization manager to handle the administration and the colonization of the lands included in the district.

Many of the provisions of Part I are analagous to the provisions of *The Irrigation Districts Act* and have the general effect of giving the manager the powers, duties and responsibilities of a board of trustees under that Act. Some special sections are required, however, in view of the fact that there are two separate types of agreements, namely, those taken over by the government by the agreement forming schedule I of this Act and those which are or will be entered into by the manager in the future. Some special sections are also necessary because of other differences in organization between the St. Mary and Milk Rivers Development and an ordinary irrigation district as constituted under *The Irrigation Districts Act.*

Part II is modelled after and is analagous to *The Lethbridge Northern*

Colonization Act. The powers, duties and responsibilities of the colonization manager are similar to those of the Lethbridge Northern Colonization Manager.

Sections 3 to 10 inclusive simply re-enact the provisions of the 1946 Act ratifying the agreement forming Schedule I of the Act with some minor modifications. Section 3(3) provides that the provisions of the agreement forming Schedule I shall prevail over those of the Act in case of discrepancy.

Section 11 is similar to section 11 of the Act of 1946 and sets out the powers of the government.

Sections 12, 13 and 14 are similar to the corresponding sections in the Act of 1946. They provide for the appointment of the manager, create him a corporation and make provision for his salary, head office and for appointment of a person to act in the manager's behalf in his absence.

Section 15 is modelled after section 13 of *The Irrigation Districts Act.* It deals with damages arising from leakage, seepage, overflow or flooding. The section provides that notice of claims against the manager for losses due to farming lands being affected for agricultural purposes shall be given to him by the first of November. The manager may investigate and settle claims for less than fifty dollars. Other claims are referred to the irrigation council and if no settlement is arrived at the matter is determined by the Board of Public Utility Commissioners or alternatively by a water court appointed by the Lieutenant Governor in Council. Decisions and settlements made are binding on the parties and there is no appeal.

Sections 16 and 17 set out the powers and duties of the manager. They parallel sections 15 and 16 respectively of the Act of 1946. In addition the powers of the manager are extended to give the manager comparable powers to a board of trustees under section 12 of *The Irrigation Districts Act* to enter on land, to farm lands vested in him and to do necessary acts and things relating to the generation, transformation and transmission of electric power.

Section 18 re-enacts the substance of section 17 of the Act of 1946. It provides that the property and money received by the manager is the property of His Majesty and authorizes the Provincial Treasurer to make advances to the manager where necessary.

Sections 19 and 20 cover the same subjects as section 14 of *The Irrigation Districts Act*. Section 19 gives the manager the right to rent lands occupied by or adjacent to irrigation works at a rental of one dollar per acre annually or to commute such rental by a cash payment of thirty dollars per acre. Section 20 permits him to erect farm bridges to give access to severed lands. An appeal from his decision to the irrigation council is provided for.

Section 21 deals with the inclusion in or exclusion of lands from the district. Provision is made for an indorsement being made on each certificate of title to land by the Registrar under *The Land Titles Act* showing the same to be included in the St. Mary and Milk Rivers Development.

It is provided in section 22 that disputes arising out of the division or distribution of water may be settled by the manager with an appeal to the advisory committee which is elected as provided in section 28. Penalties are provided in the section if a person contravenes any direction or order made. Section 23 deals with prevention of drifting or blowing soil.

Section 24 gives the manager power to make regulations, rules and by-laws. These must be filed with and approved by the irrigation council before coming into effect.

Section 25 is similar to section 18 of *The Irrigation Districts Act* and permits the manager to borrow against current revenues for the purpose of meeting expenses payable out of them.

Sections 26 and 27 of this Act and sections 42 and 43 of *The Irrigation Districts Act*, respectively, are similar. They deal with applications for water and filing documents, etc., under *The Water Resources Act*.

Section 29 provides for an imposition of a water right payment in the nature

of capital levy on each acre of land, within the district, apart from those lands which were under contracts and were assigned or transferred by the agreement forming Schedule I. If water is supplied in bulk or otherwise to any person outside the district the water right payment may be imposed on the land irrigated by such water and the same remedies for enforcing payment are applicable as in the case of lands within the district.

Sections 30 to 44 inclusive deal with water rates and the collection and enforcing of the same. The water rates are used for the payment of expenses connected with the operation and administration of the district. The rate is set by the manager and is based on the estimated amount required for the year. It must be approved by the irrigation council before becoming effective. It is to be noted that lands which were under contracts that were assigned by the agreement forming Schedule I are not subject to these irrigation rates.

Section 31 provides for a charge against parcels which benefit from water for domestic purposes. The charge is subject to the approval of the irrigation council. This section is similar to section 57*a* of *The Irrigation Districts Act.*

Section 32 provides for a water rates ledger and states what it shall contain.

By section 33 water rates are made a special lien on land as is the case under *The Irrigation Districts Act,* section 18.

Section 34 permits a vendor of land to recover from the purchaser water rates which the vendor has paid. This is similar to section 59 of *The Irrigation Districts Act.*

Section 35 provides for a demand for water rates being given by the manager and fixes interest at the rate of six per cent per annum on water rates that remain unpaid after May first of the year they are imposed.

Section 36 permits apportionment of rates. This is similar to *The Irrigation Districts Act,* section 121.

Section 37 provides for commuting of rates on lands taken under statute for rights-of-way, or which are rendered non-irrigable from such taking.

Section 38 gives the Lieutenant Governor in Council power to waive payment of water rates in which case the Provincial Treasurer shall pay the amount so waived.

Section 39 is taken from section 18 of the Act of 1946 and makes moneys due to His Majesty or the manager a first lien on all crops and other farm produce grown on the land.

Section 40 permits the manager to sue for water rates as a debt due to him similar to *The Irrigation Districts Act*, section 156.

Section 41 permits the manager to distrain after giving notice as was provided by section 19 of the Act of 1946. Section 42 incorporates sections 161 and 162 of *The Irrigation Districts Act* which amplify the provisions relating to the distress.

Section 43 incorporates the provisions of *The Irrigation Districts Act* relating to rate enforcement making them applicable in the case of the St. Mary and Milk Rivers Development.

Section 44 re-enacts section 21 of the Act of 1946.

Section 45 provides for the expropriation of land and property as required. Section 46 incorporates by reference Part VI of *The Irrigation Districts Act* dealing in detail with expropriation.

Section 47 incorporates the provisions of Part VII of *The Irrigation Districts Act* and deals with executions against the manager.

Sections 48 to 53 inclusive provide penalties.

Part II of the Act is contained in section 54 and the following sections. Section 54 contains certain definitions.

Sections 55, 56, 57 and 58 provide generally for the appointment of the colonization manager, making him a body corporate, for the appointment of some one to act in his behalf in his absence and for the appointment of other officials.

Section 59 sets up an advisory committee to be appointed by the Minister.

It is provided in section 60 that all property vested in the colonization manager is in trust for His Majesty. The former is authorized to pay the water rates and taxes from rentals collected by him.

Section 61 provides for the transfer of lands from the manager to the colonization manager.

Section 62 authorizes the colonization manager, on the approval of the Lieutenant Governor in Council, to sell lands and declare agreements cancelled if in default.

Section 63 makes it necessary to secure the fiat of the Attorney General for actions against the colonization manager. This is similar to section 11 of *The Lethbridge Northern Colonization Act.*

Section 64 outlines the functions, duties and powers of the colonization manager. It permits him, subject to any order in council, *inter alia* to enter into agreements re options to purchase land, to acquire lands, to lease lands, to purchase and sell or make loans to water users for building materials, buildings, live stock or farming necesseries and to spend money to encourage colonization and settlement of irrigable lands.

Section 65 provides for regulations and forms to be prescribed by the colonization manager with the approval of the Lieutenant Governor in Council.

Section 66 allows the colonization manager to borrow, subject to the approval of the Lieutenant Governor in Council.

Section 67 limits the amounts of the advances authorized by section 64 to fifteen hundred dollars in the aggregate to one water user and makes such loans a first lien on crops and farm produce.

Section 68 deals with lands unsold under rate enforcement proceedings in the hands of the manager and subject to a first mortgage. The colonization manager in such cases may make an

agreement with interested parties to take a transfer of the land from the manager and to hold the proceeds in trust to be divided between the proper parties.

Section 69 empowers the Provincial Treasurer to discharge water rates or other charges out of moneys appropriated by the Legislature.

Section 70 makes the colonization manager responsible for the collection of water right payments giving him the powers conferred on the manager with respect thereto under section 29 or by any agreement.

A water right payment ledger is provided for in section 71. Section 72 requires an audit of the books and records. An annual report to the Lieutenant Governor in Council is required by section 73.

Section 74 provides that Part I shall prevail over Part II in cases of discrepancy.

Section 75 clarifies the priorities as among liens created by this Act.

Section 76 provides for the repeal of *The St. Mary and Milk Rivers Development Act*, being chapter 5 of the Statutes of Alberta, 1946.

This Act came into force on April 5, 1950.

SUPERANNUATION ACT AMENDMENT ACT

(Chapter 69)

(Bill 76)

This Act amends *The Superannuation Act*, being chapter 35 of the Revised Statutes of Alberta, 1942.

Section 19*b* is deleted and a new section 19*b* substituted. Under the provisions of the present section 19*b* the moneys in the Pension Fund standing to the credit of employees who were formerly employees of the Government of the Province under *The Income Tax Act*, or *The Employment Offices Act, 1937*, and who were transferred to the Government of Canada, are held until the employee reaches the age of retirement, whereupon he may

apply for and obtain a pension based on his contributions and pensionable service with the Government of the Province. The new section 19*b* authorizes the transfer of the moneys held on behalf of these employees including both employee's and employer's contributions, to the Superannuation Fund of the Government of Canada.

This Act came into force on April 5, 1950.

TELEPHONE AND TELEGRAPH ACT AMENDMENT ACT

(Chapter 70)

(Bill 86)

This Act amends *The Telephone and Telegraph Act*, being chapter 198 of the Revised Statutes of Alberta, 1942.

A new section 9*a* is added immediately following section 9. This new section enables the Provincial Treasurer, with the approval of the Lieutenant Governor in Council to advance to the Minister of Railways and Telephones the sums required for the capital cost of constructing and extending the Alberta Government Telephones system. The sums advanced are repayable upon terms and conditions to be prescribed by the Lieutenant Governor in Council. The aggregate amount of the sums advanced under this section during the year 1950-51 cannot exceed the sum of six million dollars.

This Act came into force on April 5, 1950.

TOWN PLANNING ACT AMENDMENT ACT

(Chapter 71)

(Bill 58)

This Act amends *The Town Planning Act*, being chapter 169 of the Revised Statutes of Alberta, 1942.

The Act is not restricted to planning in urban areas so the name of the Act, both in the long and short titles, is amended. The new name is *"The Town and Rural Planning Act"*.

Several expressions which occur in numerous sections throughout the Act

are amended. The term "general plan" is substituted for the term "official town plan" as the former expression is more closely descriptive of the nature of a plan of this type. The expression "technical planning board" is substituted for the expression "town planning commission" wherever it occurs. The term "Provincial Planning Advisory Board" is substituted for the term "Town and Rural Planning Advisory Board". This term is more descriptive of the generality of the Board's duties. Similarly, the title "Director of Town Planning" is changed throughout the Act to "Director of Town and Rural Planning". The terms "plan" and "planning" are substituted for the terms "town plan" and "town planning" because plans prepared under the Act may be applied in rural areas.

Section 2 which is the interpretation section is amended by the addition of three new definitions defining the terms "general plan", "official scheme" and "interim development".

The heading of Part I is changed from "Preservation of Natural Beauty" to "Provincial Planning Advisory Board" since the main purport of this Part is a description of the duties and authority of the Board.

Section 3 sets out various specific duties and powers of the Board. A new clause (*g*) is added to provide that the Board shall be generally responsible for administration of the Act.

Clause (*f*) of section 4 is deleted. This clause gives the Board power to make regulations with regard to the administration and use of parks. As this power is now vested in the Provincial Parks Board under the provisions of *The Provincial Parks and Protective Areas Act* this clause is no longer applicable.

The heading of Part II is altered to conform with the proposed changes in terminology introduced elsewhere in the Act.

Sections 10 and 11 have been struck out and several new sections have been substituted.

The new section 10 provides that the council of any local or rural authority may appoint a Planning Advisory Commission. Its purpose is to advise the council with respect to general planning matters.

The new section 11 provides that the council of any local or rural authority may appoint a Technical Planning Board. The powers of the Technical Planning Board are substantially the same as those appearing in the present section 10 of the Act although they have been revised in some particulars for purposes of clarification.

The new section 11*a* provides that the by-law appointing a Board or Commission may provide for the terms of office of the members, the filling of vacancies, the holding of meetings, the keeping of minutes and other matters pertaining to the organization of the Board or Commission. A majority of the members of the Board or Commission form a quorum.

The new section 11*b* enables the Lieutenant Governor in Council to establish a District Planning Commission at the request of two or more adjoining municipalities and upon the recommendation of the Provincial Planning Advisory Board. The members of the District Planning Commission are appointed by the represented municipalities and by the Provincial Planning Advisory Board. The order establishing the District Planning Commission may describe the proportions in which any funds required to meet the expenses of the Commission shall be contributed by the represented municipalities and the Province.

Section 11*c* provides that the function of the District Planning Commission is to prepare and recommend to the councils concerned plans or schemes of development of common concern to two or more of the represented municipalities. These Commissions would be set up chiefly in metropolitan areas where planning for future city development will affect and require the co-operation of the Province and adjacent municipalities.

The new section 11*d* provides for modification or variation of the organ-

ization and financing of a District Planning Commission if additional municipalities become represented on it. Either an adjoining municipality or the District Planning Commission itself may make application to the Lieutenant Governor in Council for extensions of the District Planning Area. The Lieutenant Governor in Council may revise, amend or modify the provisions pertaining to operation, financing and organization of a District Planning Commission in such manner as may be requested by resolution of the represented municipalities.

The new section 11*e* provides that if a municipality fails or neglects to comply with an order providing for its participation in a District Planning Commission the Minister shall publish notice of the default and may authorize the Commission to act on behalf of the defaulting municipality.

Section 12 is amended. Clauses (*a*) and (*c*) are struck out and new clauses are substituted for purposes of clarification. Two new clauses (*j*) and (*k*) are also added. These clauses give to the municipalities the necessary authority to apply for the establishment of or for representation on a District Planning Commission and to pay to the Commission its proportionate share of the expenses of the Commission.

A new section 12*a* is added immediately after section 12. This section will enable a local or rural authority to control development within its territory during the interval between the time of its decision to prepare a general plan and the time of coming into effect of the general plan. The section authorizes the Minister to make an interim development order suspending existing zoning by-laws in the area and authorizing the local or rural authority to exercise control over interim development.

Section 17(2) is amended by the correction of an omission.

Section 20 is amended. The reference to a regional planning commission is replaced by a reference to a district planning commission which is provided for in the new section 11.

Section 42 is amended. The section presently gives four months' time to complete replotting schemes. This has proved to be inadequate so the time provided is increased to six months.

A new subsection (2) is also added to section 42. This new subsection provides that if a replotting scheme is adopted and a plan of subdivision filed the plan is required to be signed on behalf of the local authority by its proper officers and it is not necessary to obtain on the plan the signatures of the owners of the land included.

Section 57(2) is struck out and a new subsection is substituted. The new subsection provides that the Lieutenant Governor in Council may appoint the Provincial Planning Advisory Board. The Director of Town and Rural Planning is to be the chief executive member of the Board and the remaining members will represent such Departments of the Provincial Government as may be concerned with aspects of urban and rural development within the Province.

This Act came into force on April 5, 1950.

TRANS-CANADA HIGHWAYS ACT AMENDMENT ACT

(Chapter 72)

(Bill 45)

This Act amends *The Trans-Canada Highways Act*, being chapter 101 of the Statutes of Alberta, 1949.

Section 2(c) is amended. This clause authorizes the Lieutenant Governor in Council to expend moneys not exceeding two million dollars in 1949 for the construction and maintenance of trans-Canada highways. The effect of the amendment is to extend the time for the expenditure of these moneys for a further period of one year.

This Act came into force on April 5, 1950.

UNIVERSITY ACT AMENDMENT ACT

(Chapter 73)

(Bill 63)

This Act amends *The University Act*, being chapter 179 of the Revised Statutes of Alberta, 1942.

Section 45 is struck out and a new section is substituted which is reworded slightly for clarification without changing its effect. The former subsection (2) of section 45 was a temporary provision which has now expired so it is accordingly not included in the substituted section.

Section 47 is amended to change the term of office of the Chancellor from four years to six years. Members of the Board of Governors and of the Senate of the University are eligible for office for two terms of three years each and as a matter of practice nearly all of them hold office for a period of six years. It appears desirable that the term of office of the Chancellor should correspond with the others and section 47 is amended accordingly to provide that the office shall be held for a single term of six years.

Section 50 is amended to make it clear that the Chancellor is required to be a resident of the Province. Section 48 and other provisions require this by inference and this has always been the practice.

Section 61(2) is amended by striking out clause (*p*) and substituting some new clauses. The present clause (*p*) enables the General Faculty Council of the University to arrange with the governing bodies of certain designated professional societies to conduct the examinations of those societies. The effect of the amendment is to add to the list of societies the Alberta Registered Music Teachers' Association and the Alberta Institute of Agrologists and to strike out the Alberta Optometric Association. Clauses (*q*) and (*r*) are similar to the latter portion of the present clause (*p*) which they replace and they have been subdivided merely for purposes of clarification.

Clauses (*s*) and (*t*) of subsection (2) are new. They enable the General

Faculty Council to waive examination of professional candidates applying for registration or admission if the qualifications of the candidate are equal to or better than the standard currently required by the society, college or association for registration or admission. In such a case the General Faculty Council reports its findings respecting the qualifications of the candidate to the governing body of the society, college or association concerned.

A new subsection (3) is added to section 61 which is similar to the latter part of the present subsection (2) (*p*) which it replaces. This subsection provides authority for these professional societies to enter into the arrangement with the General Faculty Council for the conduct of their examinations and further provides that they shall be bound by the report of the General Faculty Council as to the qualifications of any candidate.

This Act is to come into force on July 1, 1950.

UNIVERSITY OF ALBERTA HOSPITAL ACT, 1929, AMENDMENT ACT

(Chapter 74)

(Bill 82)

This Act amends *The University of Alberta Hospital Act, 1929.*

Section 12 is struck out and a new section is substituted in its stead which is reworded slightly. The new section authorizes the Board, with the approval of the Lieutenant Governor in Council, or the Lieutenant Governor in Council, to make any regulation or enter into any agreement deemed necessary or advisable respecting the operation or administration of the hospital.

This Act came into force on April 5, 1950.

URBAN MINING OPERATIONS ACT AMENDMENT ACT

(Chapter 75)

(Bill 16)

This Act amends *The Urban Mining Operations Act,* being chapter 274 of the Revised Statutes of Alberta, 1942.

In the reorganization of the Department of Mines and Minerals the official known as the Chief Inspector of Mines has been replaced by an official known as the Director of Mines and section 6(3) has been amended accordingly.

This Act came into force on March 31, 1950.

VEHICLES AND HIGHWAY TRAFFIC ACT AMENDMENT ACT

(Chapter 76)

(Bill 52)

This Act amends *The Vehicles and Highway Traffic Act*, being chapter 275 of the Revised Statutes of Alberta, 1942.

Section 2 is amended by adding a definition of the expression "traffic lane".

Section 14 is amended by the addition of a new subsection (3) which prohibits any person from having in his possession a motor vehicle without a serial number marked on it.

Section 15 is amended. The exception is taken out of the present subsection (1) and is inserted as a new subsection (1*a*). The effect of the amendment is that the only person who is exempted from having a driver's license issued by the Province is a person who is temporarily within the Province who is permitted to drive by the law of the country of which he is a resident and who is touring for pleasure in a motor vehicle that is licensed by his place of residence.

Section 42 is amended by striking out subsection (3) and by substituting a new subsection. The present subsection states that certain speeds on blind curves or corners are *prima facie* unreasonable. The new subsection prohibits driving in a marked school zone between 8 a.m. and 5 p.m. on a school day at a rate of speed greater than twenty-five miles per hour.

Section 43 is amended. This section enables certain designated types of vehicles which are equipped with sirens and which are being used in an emergency to operate at any speed that is

reasonable and proper. The amendment widens this section to make it applicable to any vehicles which are authorized to be equipped with sirens by the Provincial Secretary under the provisions of section 48, subsection (1).

Section 46 is amended by the addition of a new subsection (2). The effect of the amendment is to permit a vehicle to pass another vehicle proceeding in the same direction on a hill, curve or bridge, if two or more traffic lanes are provided for vehicles proceeding in that direction and if the overtaking vehicle does not have to cross to the left of the centre line in order to pass.

Section 47(2) is amended by striking out the last few words of the subsection and by referring to a new exception to the general rule requiring overtaking vehicles to pass on the left. Subsection (3) of section 47 is amended by striking out the word "approaching". Before an overtaking motorist crosses to the left hand side of the road in order to pass another vehicle he should make sure that the left hand side of the road is clear of all traffic and not just of approaching traffic. If there is a vehicle stalled in the left traffic lane or if there is a vehicle in the left hand traffic lane which is attempting to cross the line of traffic the overtaking vehicle should not use the left hand side of the highway in order to pass.

A new section 47*a* is added which establishes rules of the road to be followed in any case where a highway is divided into traffic lanes. Crossing from one traffic lane to another is prohibited where solid lines exist between lanes. However, where broken lines exist vehicles may cross from one lane to another, if the proper signal is given. A driver of a vehicle approaching an intersection and intending to turn left is required to travel in the centre traffic lane or in the traffic lane nearest the centre of the highway. On the other hand, a driver of a vehicle approaching an intersection intending to turn right is required to travel in the traffic lane nearest to the right hand side of the highway. The centre lane of a three lane highway is reserved for overtaking vehicles which are passing other traffic or for vehicles which are

intending to turn to the left. Where two traffic lanes are provided for travel in the same direction an overtaking vehicle is required to keep to the left of the vehicle which it is passing and also to the right of the centre line of the highway. When a vehicle being overtaken is travelling in the centre traffic lane or in the traffic lane nearest the centre of the highway and has signalled its intention to turn left the overtaking vehicle may pass it on the right hand side. When a vehicle is being overtaken by another vehicle travelling in the same direction the vehicle overtaken is required to allow the other vehicle to pass and to give it free use of the centre traffic lane or of the traffic lane nearest to the centre line of the highway.

Section 48(1) is amended by striking out the word "Minister" and by substituting a reference to the Provincial Secretary. When a siren is required on any vehicle the request will henceforth be directed to the Provincial Secretary.

Section 50 is amended by the addition of a new subsection which requires signals to be given in sufficient time to provide a reasonable warning to other persons of the intention of the driver.

Sections 51 and 52 are struck out and three new sections are substituted dealing with rules of the road applicable to vehicles at intersections. The new section 51 provides that when two vehicles approach or enter an intersection at approximately the same time the driver of the vehicle on the right has the right-of-way, except where otherwise provided.

Section 52 provides that the driver of a vehicle intending to turn to the right into an intersecting highway shall drive as closely as practicable to the right curb or edge of the travelled portion of the highway while approaching the intersection and while turning.

The new section 52*a* provides that the driver of a vehicle intending to turn to the left into an intersecting highway shall drive as closely as practicable to the centre line of the highway while approaching the intersection. In enter-

ing the intersection he keeps to th
right of the centre line and upon leav
ing the intersection he keeps to th
right of the centre line of the highwa
then entered. The driver of a vehicle in
tending to turn left is required to de
termine that the movement can be mad
in safety and to give a signal of h
intention that is plainly visible to th
driver of any other vehicle that may b
affected. A driver may make a le
turn across the path of an approachin
vehicle only if he affords the oth
vehicle a reasonable opportunity
avoiding a collision.

Section 56 is struck out and two ne
sections are substituted. The new se
tion 56 deals with street cars whic
have halted to discharge passenger
and is practically the same as the pre
ent section.

The new section 56*a* deals with pas
ing school buses or school vans. Passin
a stopped school bus is prohibited unt
all persons who are about to enter
leave are safely clear of the path
the overtaking vehicle. A driver ap
proaching a school bus which is halte
may pass it in the opposite directio
but must reduce his speed to twenty
five miles per hour.

Section 58 (3*a*) is amended by th
deletion of the words "civil or crim
inal". A similar amendment was mad
to the corresponding section in th
Ontario Act. That section has bee
judicially interpreted and the judg
ments given in Ontario will be usefu
in cases arising under our Act. Als
from a constitutional standpoint,
appears desirable to delete the refer
ence to criminal trials although sectio
35 of the *Canada Evidence Act* adop
the provincial laws of evidence in a
proceedings over which the Parliamen
of Canada has legislative authority.

Section 64 is amended by the ad
dition of a new subsection (2*a*). Liv
stock straying on a highway, particula
ly at night, is a hazard to motoris
using the highway. The new subsec
tion enables an inspector or peac
officer to take any stock found strayin
on a highway and store it in a plac
of safekeeping at the expense of th
owner.

Section 75 is amended. The section presently prohibits improper use of a chauffeur's badge. The effect of the amendment is to extend the application of the section to a chauffeur's certificate.

Section 103 (3) is amended to extend the limitation period from one month to three months. The present limitation is far too short and in many cases does not give adequate time for proper investigation, particularly if some of the witnesses to an offence against the Act have been injured in an accident which is related to the commission of the offence.

Section 105, which is the general penalty section, is amended by increasing the maximum amounts of the penalties which may be imposed. Penalties for first, second and third or subsequent offences are increased to fifty, one hundred and two hundred dollars respectively.

Section 110 is amended. The words "to him" are struck out which removes an unnecessary limitation and will enable the intention of the section to be enforced more effectively. A new subsection (2) is added which provides that if a person knowingly makes a false statement in a report required by section 58 he is guilty of an offence and liable to a penalty.

Section 118 (1) is amended to make it clear that the moiety of fines and penalties which is payable to a municipality is payable to the municipality in which the motor vehicle offence occurred rather than the municipality in which the offence was tried.

Section 124 (3) is amended to correct an error and for purposes of clarification.

This Act comes into force on July 1, 1950.

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